# Competition Between Public and Private Revenues in Roman Social and Political History

# (200-49 B.C.)

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Submitted in partial fulfilment of the

requirements for the degree of

Doctor of Philosophy

Under the Executive Committee

Of the Graduate School of Arts and Sciences

Columbia University

2011

ABSTRACT

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This dissertation applies the principles of fiscal dissertation to the study of the Roman Republic. I argue that the creation of a profitable empire allowed the ruling elite to end their reliance on domestic taxation to fund state activity, and that Rome's untaxed citizens were effectively disenfranchised as a result. They therefore lacked the bargaining power to prevent aristocrats from enriching themselves at the expense of the state. The result was a set of leading individuals whose resources could overwhelm those of communal, public institutions. This wealth allowed them to control the distribution of economic resources within Roman society, reinforcing hierarchies and forcing less fortunate citizens to tie themselves to patronage networks instead of state institutions. This state, unable to command the respect of its constituents, was eventually picked off in the competition between great individuals.

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**Acknowledgements**

I am fortunate in having to acknowledge a great deal of financial assistance in the course of completing this dissertation. The Graduate School of Arts and Sciences at Columbia University provided five years of support through a graduate fellowship, as well as administering the Wollemberg Family Fellowship which provided funding for a year of study in Rome. The Cooper Travelling Scholarship out of the University of Sydney provided generous support for three years. Finally, the Mrs Giles Whiting Foundation Fellowship in the Humanities allowed me to work without the obligations of teaching in this final year.

I received consistent support from faculty members in Columbia University's Classical Studies Program. James Zetzel and Richard Billows gave feedback on individual chapters, and William Harris saw and improved almost every draft version of every chapter. Beyond Classical Studies, Charles Tilly took me in and played a major role in exposing me to the social scientific literature which would inform so much of the eventual approach taken. It was a privilege to witness up close his generosity, professionalism and astonishing erudition. An even greater debt is due to Karen Barkey, who, like Chuck, was under no institutional obligation to supervise a Roman historian. Despite this, she poured time and energy into improving every section of this dissertation, despite the often alien and unhelpful prose of a Roman history specialist. Her expertise in historical sociology improved not only these pages, but my overall education; I have no doubt that her legacy will be clear in all I will go on to write in the future.

More than any others, however, I owe a great deal to my fellow Columbia students. From beginning to end, they have made graduate school a positive experience in ways which extend far beyond scholarship. Zoë Tan is obviously chief among them. She read over the entire dissertation and made it far more readable than it had been. The reader owes her a great deal, but for this and so many other contributions, I owe her more.

## Introduction

In 49 B.C., having crossed the Rubicon, C. Julius Caesar was racing south towards the Pompeian forces embarking at Brundisium. As his troops approached Corfinium, across the Apennine mountains from Rome, they engaged forces under the command of L. Domitius Ahenobarbus, consul five years earlier and no friend of Caesar's. Ahenobarbus saw his men forced back by Caesar's veterans, and to prevent them from fleeing the fortified town altogether, he delivered a speech in which he promised to assign 40 *iugera* of his own land to every infantryman and proportionally more to each officer.[1] In his effort to resist what he saw as Caesar's private war on Rome, he did not hesitate to deploy his own private resources in defence of the *res publica*. Nor, apparently, did he see any chance of public resources being spent on his soldiers. If his troops were to be won over by economic gain, it would not to be by the generosity of the Roman treasury - Ahenobarbus himself would have to step up.

It was far from only Ahenobarbus who was willing and able to use private resources on this kind of public scale. He was one of a handful of prominent Romans who could justifiably claim to be state-like powers in their own rights: they had populations of clients, incredible revenues, social prestige and – as witnessed by Ahenobarbus' agrarian scheme – the potential to solve the quotidian problems of a large number of Roman citizens. In terms of the resources it could marshal, the *res publica* was not unchallenged, and over time, competition only grew from those whom Syme dubbed

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[1] Caes. *B.C.* 1.17.

dynasts.[2] Public and private could be compared with respect to what each was or what each could do. By the end of the Roman Republic, they both had resources like money, land and grain, and could use them to exercise violence or to create social networks. Public and private power became blurred in a way foreign to our own, modern context: as Tilly expressed it for a different period, "every thirteenth-century noble household owned swords, but no twentieth-century household owns an aircraft carrier."[3] This did not, of course, mean that the super-wealthy of the late Republic saw themselves as actual *civitates*, but it is to claim that a large enough body of private resources granted the individual a dangerous independence from the collective. It was not for its scale but for its equation of wealth with military viability that Crassus' famous saying earned notoriety: "he who cannot support a legion on his annual income is not rich."[4]

The aim of this dissertation is two-fold: first, to show how this near equivalence of public and private resources was created and maintained; second, to analyse the effects which it had on Roman politics and Roman society between 200 and 49.[5] I will examine the ways in which both the public treasury and the elite private estates profited from the conquest of the Mediterranean basin, and this will lead to a study of the immense inequalities in Roman society. In the end I will make three major claims: firstly, that Rome's peculiar systems of raising and spending public revenues severely impacted the bargaining power of various constituencies in the body politic; secondly, that this

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[2] Syme 1939: 12: "The *nobiles* were dynasts, their daughters princesses." I do not, however, follow Syme's conception of a collusive clique, collectively dominating the "screen" and "sham" of the Roman constitution (Syme 1939: 15). Instead, I will focus on these powerful individuals as autonomous agents, able to warp social networks to their advantage through the deployment of their immense resources. On the economic motivations of soldiers, see Gabba 1976: esp. 25 and Brunt 1988: esp. 1931.

[3] Tilly 1990: 84

[4] Plin. *N.H.* 33.134: *Crassus negabat locupletem esse nisi qui reditu annuo legionem tueri posset.*

[5] All dates are B.C. unless stated otherwise.

facilitated an extreme inequality of wealth as the elite could not be prevented from seizing more and more of the Empire's profits; finally, that this focus on resources offers a realistic explanation for the persistent importance of social hierarchies and even for the descent into civil war. Like almost all studies of Roman politics, its orbit will inevitably centre itself on various modes of social domination, but I believe that my focus on resources, and particularly on taxes, is a fresh one.

Fiscal issues have not traditionally been at the forefront of the field. Domination was ascribed to constitutional structures in the *Staatsrecht* of Mommsen, the usual *vir post quem* of Roman history.[6] One of Mommsen's own students, however, Elimar Klebs, would begin work on the prosopographical entries in Pauly-Wissowa's *Realencyclopädie der Classischen Altertumswissenschaft*, a project which would shift the field from an analysis of institutions to one of individuals. While Klebs handled the biographies of individuals whose names began with A or B, those from C to P would receive famously detailed treatment from Münzer, and the light shed on individual careers by these studies would lead him to produce an influential monograph that focussed on the alliances and feuds supposedly formed by elite families in their quest for higher office.[7] Münzer's studies would lay the foundation for such scholars as Ronald Syme and Ernst Badian, the latter of whom went so far as to dedicate an article to his intellectual hero.[8] By presenting in an accessible format the careers, marriages and anecdotal deeds of virtually every

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[6] On the abiding impact of this work, see Nippel 2005 and Hölkeskamp 2010: 12-3, 27, each with further references.

[7] Münzer 1920, translated as Münzer 1999. The influence of Mommsen's constitutional focus on Münzer's prosopographical model can be seen in the latter's belief that Roman politics ultimately revolved around the consulship – for Münzer, success and failure can be inferred from the record of which family made it to the top of the *cursus honorum.* On the gestation and impact of Münzer's book, see Ridley's introduction to the 1999 edition and the review at Hölkeskamp 2001.

[8] Badian 1957: 138: "*Fr. Muenzeri manibus*." Syme 1939.

known Roman politician, Münzer allowed the adherents of his prosopographical school to depict politics as the manoeuvring of elite factions to win elected offices, offices which would in turn facilitate the domination of aristocratic peers and the rest of the population. The mechanism for this electoral contest was supplied by two more scholars. As early as 1912, Gelzer, a student of Münzer's, would reveal the importance of such aristocratic concepts as nobility, and thanks also to the later work of Von Premerstein, he would bring the mechanism of *clientela* to the forefront of Roman historical studies.[9] In a famous (or infamous) passage of Gelzer's, he would lay out the processes by which the political elite remained preeminent:

> Political power was based on membership of the senate, which was composed of the magistrates elected by the people. Thus the most powerful man was he who by virtue of his clients and friends could mobilise the greatest number of voters. From the character of the nobility (the descendents of the most successful politicians) arose the hereditary nature of political power in the great aristocratic families. The forces of political life were concentrated in them, and political struggles were fought out by the *nobiles* at the head of their dependents. It made no difference in what way these dependents had been acquired, or with what means and in what field the struggle was being conducted.[10]

[9] Gelzer 1912, translated as Gelzer 1975; von Premerstein 1937. On Gelzer's teachers, Ridley 1986: 475.

[10] Gelzer 1975: 139.

Although Gelzer's work actually demonstrated a more nuanced view of voters than has conventionally been gained from this one passage, a focus on factions and patron-client relationships nevertheless held the field for a significant part of the last century.[11] As its validity began to be questioned, however, a new model was needed. Willing executioners stepped up to finish off the old orthodoxy, but three of the greatest of them attempted to build very different structures atop the ruins: Brunt, Meier and Hopkins. Brunt focussed on the economic plight of the poor, insisting on the reality of discontent, agitation and social struggle.[12] He stressed the strong class distinctions at Rome, both the disdain of a Cicero for the plebeian *sentina* and the resentment of those rioters who in 52 attacked wearers of fine clothes and gold rings.[13] For Brunt, the conflict of the late Republic was sustained by peasant demand for land once the age of colonisation had petered out.[14] In this tradition, Millar would turn Gelzer's electoral stress on its head, portraying the battle for votes as a legitimately democratic feature of Roman public life, in which the voters were sovereign and had to be won over.[15] On the other hand, Meier would maintain the pre-eminence of the elite, replacing the old mechanisms with a *politische Grammatik* that lay more in culture than in constitutions or social connections discernible on Rome's surface.[16] For Meier, Rome was *monisch*, unitary, with no divide such as that between state and society. The same cultural

[11] On the misreading of Gelzer's work, see Yakobson 1999: 79; Hölkeskamp 2010: 5-6.

[12] Most notably Brunt 1971, reworked with a systematic assault on the fundamentals of the Münzerian position in Brunt 1988. Another notable shift in focus away from the elite can be found at Nicolet 1980.

[13] Brunt 1988: 53-4.

[14] Brunt 1971; Brunt 1988: ch. 1, ch. 5, esp. 274-5.

[15] Various papers have been collected as Millar 2002, with a study of the post-Sullan period at Millar 1998.

[16] Meier 1966: esp. ch 4. To see the extent to which Meier and Brunt diverged, see Brunt's review at Brunt 1968 and below at n. 62.

hierarchies which underlay Roman social interactions extended into the realm of the political, so that the conventions of aristocratic life – largely moral ones –governed the realm of the political as well.[17] Many influential scholars would continue this focus on the culture of deference in Roman politics and society. Flaig has argued for Roman politics as a primarily ritual exercise, in which the masses follow an elite performative kind of politics which is well suited to semiotic interpretation and was intended to reinforce their dominance.[18]

There has thus been a 'communicative turn' in the study of Roman Republican politics, as scholars look more and more at self-representation, perception and even at epistemological categories.[19] Recently, Hölkeskamp has presented a relatively full treatment of this perspective, along with a sustained assault on the so-called democratic school.[20] Following Meier's view that aristocratic society subsumed all else, Hölkeskamp has stressed the role of elite competition in driving that system. Individual aspirants paraded their military virtue, their eloquence and their ancestry to win distinction and promotion from the wider Roman electorate.[21] But these voters were far from the democratic crowd of Millar's portrait; instead, Hölkeskamp sees a population bound by deep hierarchies, almost entranced by their aristocratic superiors, cognitively unequipped to defy the conceptual prison of Roman inequalities.[22] Because the aristocracy possessed

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[17] Meier 1966: esp. 42-60, with the discussion at Hölkeskamp 2010: esp. 14-7.

[18] Especially Flaig 1995 and 1998, culminating in Flaig 2003.

[19] For a treatment of this communicative turn, and of the scholarship in general, see Jehne 2010. Hölkeskamp 2010 contains full bibliographical details.

[20] Hölkeskamp 2004, revised and translated as Hölkeskamp 2010.

[21] Hölkeskamp 2010: esp. 90-1. See also Hölkeskamp 2004a: esp. ch. 8, also published as Hölkeskamp 1999.

[22] Hölkeskamp 2010: 48-67.

total control of the agenda, non-elite causes simply could not be politicised or raised in the public realm; this in turn was not challenged because of the *Grundkonsens* underwriting Roman society and politics, the prefix testifying both to its depth and to its breadth within the community.[23] The focus has shifted in these works of political culture to spectacle, representation and mental categories, following anthropology and semiotics in an attempt to reconstruct not only the behavioural patterns of Romans, but – in light of the available concepts – even their behavioural *possibilities*.[24]

This line of research has proven to be fruitful, and has been particularly efficient in harnessing different disciplines and types of evidence to the one cart.[25] Its essential thesis, however, is a high-stakes one. By creating a model of Roman society in which a set of cultural norms is the structure driving all else, it places an incredible burden on a single causal mechanism. Hölkeskamp and others in the field need to be able to demonstrate a universality of consensus so absolute that it froze the social, political, even mental horizons of the Romans. There is a need literally to read minds, and this in a field of study for which the evidence is highly imperfect. We will return to this school of thought in a more detailed fashion soon, but for now, I will raise two theoretical problems which make me hesitate to accept the theses of Meier and Hölkeskamp *in toto.* The first issue is the level of determinism granted to culture. In this kind of study, culture constructs "a social definition of reality" and places limits on the possibilities of actors.[26]

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[23] Hölkeskamp 2004a: 247-8; 2010: esp. 39-41. The control of the politicisable is very similar to the agenda control featured in the "two-dimensional" theory of power at Lukes 1974, a surprising omission from Hölkeskamp's excellent, immense bibliography**.** See Nippel 1988: 55-7 on the tribunes' overturning of the senate's control of the agenda.

[24] Hölkeskamp 2010: esp. 54-5, where reference is made to "nomological knowledge" and the "mental 'horizon'".

[25] On its synergy with studies of Roman art, see Hölkeskamp 2010: 65-6.

[26] The quote is from Scott & Meyer 1194: 234, cited by Thelan 2003: 217.

It is this ability to create patterns of behaviour – even a realm of possible behaviours – that allows scholars to infer such absolute conformity; in theory, people could not defy this kind of acculturation because the ways in which they analysed their situations and formulated responses were themselves products of it. There can be no doubt that Roman political culture did play this role to a considerable degree. To give it such overwhelming priority, however, risks obscuring the role of individual agency, strategy and conflict in driving the decision-making of actors. Can it really be that ambition, desperation and political manoeuvring were all unable to defy their overarching social contexts? Moreover, can we really be sure that the same images, rhetoric and rituals were identically understood both by our few sources and by those millions of unattested non-elites at Rome? Scott has brilliantly shown how even the lowliest members of society find ways to manipulate their cultures to their own advantage, rejecting the 'public transcripts' of rulers and developing their own 'hidden transcripts'.[27] Which transcript is employed when depends largely on the power of the actor in any given situation – it is risky for the poor servant to act on a hidden transcript in full view of his master. But as personal or economic circumstances change, transcripts change with them: "it turns out that in many cases changes in power relations hold the key to creating new openings in which new scripts (or scripts previously only on the margins of an organizational field) can become more central."[28] If we accept this statement – as I believe we must – then we need to come to terms with what it is that changes the power relations that in turn affect cultural transcripts. This has two effects. In the first place, it jeopardises the primacy of

[27] Scott 1990, focussing on Malaysian society.

[28] Thelan 2003: 217. On agency's universality and its incompatibility with determining structures, Sewell 1992: esp. 19-22; Blanton & Fargher 2008: esp. 5-11.

culture as an explanatory factor, because it is now conceded that culture is affected by external changes. The question then has to be asked whether culture can ever be a determining factor.[29] If culture is primary, how is it affected by economic, environmental or military factors? Moreover, how does the consequent evolution of transcripts change the nature of culture over time?[30]

This question of change introduces my second doubt, arising from what I see as historical rigidity. Partly because the stress placed on culture seems to suppress the role of autonomous agency, there is little room in the model for mechanisms of change or development. Change is impossible to deny, yet the insulation of culture as a determining factor makes it difficult to cater for whatever it was that was driving this change.[31] The hegemony of unchanging rituals and symbols does not cater for changes in demographics, in economics or in any number of other variables. Political culture as it has emerged in the scholarship, it seems to me, does a much better job of accounting for the continuities than it does for the discontinuities, which is commendable to the extent that continuity is in more pressing need of explanation in Roman Republican history than

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[29] See Mahoney 2004: esp. 481-2.

[30] Sewell 1996: 868 stresses that even a seemingly unchanged ritual can be reinvented and manipulated at certain times. See also Sewell 1992: 19: "Structures, then, are sets of mutually sustaining schemas and resources that empower and constrain social action and that tend to be reproduced by that social action. But their reproduction is never automatic. Structures are at risk, at least to some extent, in all of the social encounters they shape – because structures are multiple and intersecting, because schemas are transposable, and because resources are polysemic and accumulate unpredictably."

[31] Brunt 1988: 13 argues that, despite the conservative pride of the Romans themselves, change was part of the *mos maiorum*: "The Romans venerated tradition, but it was always evolving; it could actually be contended that change was characteristic of it. When Pompey's opponents in 66 argued that the conferment of a great command on him would be an innovation contrary to ancestral practices."

discontinuity.[32] Continuity certainly deserves its attention, but we simply have to allow for change and the mechanisms which drove it.

In his critique of structural analyses, Sewell has shown very clearly why every school of historical thought must cater for change. He summarises his views in five 'axioms', arguing that even a single, seemingly static structural determinant like political culture inevitably produces some kind of change:[33]

1. Multiplicity of (often competing) structures. The same apparently universal culture can contradict itself in specific applications because society has to reconcile competing interests in ways which are not always perfect. Rural structures, for example, can have very different logics or dynamics to urban structures. "Social actors are capable of applying a wide range of different and even incompatible schemas and have access to heterogeneous arrays of resources."

2. Transposability of interpretive matrices from one part of life to another, with unpredictable results. The ways in which people choose to act is indeed a product of cultural schemas, but these schemas "can be applied to a wide and not fully predictable range of cases outside the context in which they are initially learned." All "minimally competent members of society" are able not only to learn cultural rules, but "to apply [them] creatively" and "successfully in *unfamiliar* cases,"

3. Unpredictability of resources accumulating from the same practices. Behaving the same way in different economic, demographic or environmental factors can produce

[32] Hölkeskamp 2010: 44-5, with discussion of Meier's role in bringing to the fore the relationship of consensus and continuity.

[33] Sewell 1992: 16-9: I should be clear that Hölkeskamp is in no way unaware of this kind of feedback, especially when discussing rigidly constitutional approaches: Hölkeskamp 2010: esp. 69-71.

very different results. Timing can make or break an investor, weather or terrain can determine the success of the same military tactic. Fortunate outcomes produce imitators, unfortunate ones do not.

4. Polysemy of resources. Resources do not mean the same thing to all people in all contexts: a resource like noble birth can be admired or resented depending on the historical context or the position of the commentator. "Any array of resources is capable of being interpreted in varying ways and, therefore, of empowering different actors and teaching different schemas."

5. Intersection of different structures. As diverse constituencies cooperate, their ways of life come into contact and meanings can become contested. Sewell uses the example of a factory, which simultaneously embodies both private property and profits on the one hand, and collective, unionised labour on the other.

For Sewell, to expect any causal mechanism to determine all of society is unrealistic, because there will always be inconsistencies, weaknesses and unfavourable circumstances which prevent the mechanism from exerting itself in some context.[34] Part of what appeals in this formulation is the central place given to resources, because resources logically and empirically play a major role in manifesting cultural norms. Resources can be thought of as any possession that is used to express or manifest power, or as "media of power" in the words of Sewell, who goes on to divide them into human (knowledge, ideologies etc) and non-human (land, money, weapons etc).[35] The focus in

[34] See also now Blanton & Fargher 2008: 5-11, 15. On the Roman Republic specifically, see Brunt 1988: 49: "There was a stock of ideals which commanded almost universal assent, though they could be interpreted in widely divergent ways and brought forward to justify the most diverse policies."

[35] Sewell 1992: 9-10.

this dissertation will be on non-human resources, and most specifically on economic resources. These resources are themselves of obvious analytical importance, but they also have specific effects on the place of culture in history: as the resources of individuals change over time, so does their ability to manipulate culture to their advantage. Resources can, therefore, be seen as prior to culture, as determinants of the part culture plays in historical events, and as a result, I would argue that they constitute a promising avenue of study. This is just one of three reason why I place resources at the heart of my analysis. As a second, I see resources as less ephemeral and hence more readily identifiable than cultural factors, and as such, I find them to be a more reassuring base for an interpretation of Roman history. As a final benefit, they help to restore the role of the economy to its rightful place in the centre of historical studies, and in advocating this, I am far from the first.

At around the same time as the collapse of the old factional orthodoxy, economic and demographic approaches took off in Roman studies, thanks largely to the revolutionary contribution of Keith Hopkins.[36] Enormous questions remain unsettled, no doubt, but the role of economic factors in Roman society can be used as a fertile base for a sociological study of the kind proposed for this dissertation.[37] Hopkins created models which asked what social effects could be expected as a result of definite economic and demographic change, and by beginning from such universal determinants as access to

[36] Hopkins 1978 is the most relevant example for this dissertation, and will reappear again and again in the chapters that follow. On the place of these more quantitative studies in the history of the scholarship, see Jehne 2010: 9-12.

[37] The current state of Roman economic studies can be gleaned from Scheidel, Morris & Saller 2007, while a review of the demographic debates is conveniently presented at Scheidel 2008.

land, money and sustenance, the 'internal logic' of his work was built on a formidable base.[38]

My approach is similar, and can be considered more 'objective' and less 'culturalist', to use Steinmetz's division.[39] By focussing on wealth, I hope to be able to study the same hierarchies which have been the concern of the political culture approach, but to do as Hopkins did in seizing upon a more tangible – for contemporaries if not for us – manifestation of inequality. Instead of highlighting the importance of beliefs and cultural norms in affecting modes of social domination, I want to focus on the role that the accumulation and distribution of resources had, since – despite a few debates surrounding the topic – we can without any controversy state that imperial expansion saw the richest gain astronomical wealth with an overall increase in economic inequality.[40] What were the social and political effects of this new state of affairs? Did inequality lead to conflict or did it reinforce existing hierarchies? Was the apparent deference of the masses built on cultural factors, or was it more a result of their overwhelming inferiority in economic resources? Had resources been spread more evenly, would there have been more social unrest?[41] These are not simple questions, and some answers are more elusive than others. What we can unhesitatingly state, however, is that the economic realities of Roman society were transformed in the course of expansion, and regardless of how we

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[38] Again, Hopkins 1978 is a classic example, but we may add Hopkins 1980, updated as Hopkins 1995/6.

[39] Steinmetz 1999: 2.

[40] See Scheidel 2007, a recent and rather optimistic contribution to the debate over just how far down imperial profits trickled.

[41] Brunt 1966: 10-1 stresses that the Roman elite could afford weapons and had almost all seen military service, giving them an intimidating advantage over the 'mob'. Brunt 1988: 73 reminds us that the rich did not simply grow richer, but small landholders were often impoverished by years campaigning away from their fields. On the role of this kind of economic inequality in fomenting social unrest, see Cramer 2003, which stresses that inequality does not in itself lead to conflict and may even cement deference and stability. Instead, types of inequality are critical in predicting unrest. See also Brockett 1992, with a detailed analysis of the relationship between land inequality and unrest in Central America.

see deference and unrest being generated, that simply *has to be* relevant to a study of Roman history.

*The Fiscal and the Political*

Where resources accumulate and how they are transferred comprise a large part of human existence and can easily be put at the heart of sociological studies. McCarthy and Zald, for instance, went so far as to develop a theory of social movements in which the ability to mobilise and deploy resources was the driving mechanism.[42] One assumption of that theory was "that there is always enough discontent in any society to supply the grass-roots support for a movement if the movement is effectively organized and has at its disposal the power and resources of some established elite group."[43] The focus, then, falls not on how people perceive their situation, but on whether they are able to do anything about it. To do something requires organisation and the dedication of effective resources. The former, while eminently worthy of study, is still an extremely slippery topic of research for most sections of the Roman Republican population;[44] the latter, however, provides a surer, more attractive foundation. This is not to claim that studies of other areas, such as popular associations or political cultures, are mistaken or fail to contribute; it is simply to assert the potential of a resource-based approach in elucidating many of the complex social interactions at Rome.

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[42] McCarthy & Zald 1977.

[43] Turner & Killian 1972, quoted at McCarthy & Zald 1977: 1215.

[44] The most sustained attempt at studying popular organisation at Rome is Vanderbroeck 1987. See also Lintott 1968; Flambard 1981; Perelli 1982; Kühnert 1991; Lutz & Lutz 2006; Blanton & Fargher 2008.

One part of such an approach has come to be known as fiscal sociology. Conventionally traced back to the work of Goldschied and Schumpeter, fiscal sociology attempts to interpret societies through what has almost invariably emerged as the chief mechanism of resource redistribution: taxation. For Goldschied and Schumpeter, the great story of modernity has been the shift from a community in which rulers and local heavies accumulated resources from their own estates and dependents, to a situation in which states took over collective activities like war and, most importantly, the responsibility for funding them. To do this, they had to tax widely. The consequent rise of a prominent and well-defined state, distinct from the rest of society and extracting from the community what it needed to fulfil its newly-assumed responsibilities, reordered the economy and the structure of society.[45] Goldschied and Schumpeter each saw consequent problems in finding enough resources. Schumpeter focussed on the crisis of the interwar tax state, needing so much money that it threatened to undermine economic incentives in the rest of the economy. If the state continued to seize parts of people's livelihoods through taxation, why would people bother earning more money? Goldschied became more interested in a class-based analysis. He argued that, whereas the pre-modern political centre had usually possessed large estates for its own sustenance, the modern elite had denuded it of its assets, because they saw the liberalising state pass from their own control to that of the wider community. Having hoarded the state's former assets, the elite then came to possess the largest accumulations of resources within their own estates, and could make the rest of the community all but beg before granting access to them.

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[45] Goldschied 1958; Schumpeter 1991. Convenient summaries can be found at Moore 2003 and, on Schumpeter alone, Musgrave 1992.

Despite some famous programmatic statements, however, neither Goldschied nor Schumpeter laid out a unified theory of exactly how public revenues shaped societies. Instead of "a conceptual toolbox" or "a set of propositions about the relationship of the fisc and political development," they merely pointed to questions and possible perspectives.[46] Over time, Goldschied's insight – that the holders of accumulated resources enjoy a strong bargaining position vis-à-vis the tax-thirsty state – became a central tenet of the field, perhaps most widely encountered in Tilly's work on the rise of the modern nation state.[47] In this formulation, the modern state, known for its democratic structure and the delivery of public goods, arose because the fuelling of increasingly expensive military activity forced states to tap their citizens' resources. As states became desperate for taxes, populations were able to withhold precious resources and force concessions from their leaders, winning greater political representation, schools, hospitals, railways etc.[48] A focus on taxation, therefore, led to a focus on political interaction. Just as Goldshied and Schumpeter predicted, the fiscal came to define the social, as the quest for tax revenues forced a reformulation of networks and power relationships. Fiscal history became fiscal sociology.

There are very powerful reasons for believing that fiscal sociology offers a great deal to the study of the Roman Republic, and it is very much the approach taken in this dissertation. I begin with the replacement of domestic taxation systems with provincial

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[46] Moore 2003: 3. The most famous quote is from Goldschied, but better known when cited at Schumpeter 1991: 100: "The budget is the skeleton of the state stripped of all misleading ideologies."

[47] Tilly 1990. Again, see Moore 2003, applying the idea to developing nations. Blanton & Fargher 2008: 112: "Collective action theorists propose that bargain-making between state authorities and non-ruling groups (especially taxpayers) is a key social process in state formation, and that bargaining outcomes will reflect the comparative resource endowment of the bargainers." For a summary of a different approach, in which concessions like representation are offered to legitimise taxation, see Herb 2003.

[48] Goldstone 1991 thus summarised Tilly's work as "States making wars making states making wars…'

ones. Rome's extraordinary expansion across the Mediterranean resulted in the transfer of wealth from the provinces back to Italy.[49] As this flow became regularised in various forms of tribute, direct taxes within Italy were abandoned, and by the end of the Republic, even indirect taxes were abolished. To fund public activity, ample riches were flowing in from the conquered, and the treasury had no need to bargain for local resources. So deep was the provincial pool of resources, in fact, that leaders were more and more able to devise ways of privatising them (or 'decentralising' them – see below) for their own advantage.[50] Collective endeavour in war was only partially resulting in collective enrichment in peace, because the profits of empire were disproportionately seized by the aristocracy. Since these riches were not extracted from the Roman population in the first place, citizens – free from taxation but consequently stripped of their bargaining power – had little ability to prevent this process of privatisation or even to protest. As a result, the estates of the richest grew wealthier and wealthier over time, and it best served the interests of poorer Romans not to cause trouble, but to ingratiate themselves with the holders of these great riches. Public resources – constantly being pilfered by those in charge of them – failed to keep pace, and the supremacy of private social networks over public ones was steadily reinforced. Eventually it was not all that

[49] Hopkins examined the effect of expanded private wealth on the Italian economy, but in his attention to landowners, he did not focus so much on the role of public resources. When he did look at taxes and government spending, he largely did so from the perspective of elite estates, arguing that low taxes and subsidised grain effectively subsidised the market for produce from elite estates (Hopkins 1978: 39-108). Mann 1977: 272-3 stresses the role that Rome's awesome coercive abilities had in stimulating the economy, as does Harris 2003: "The most important thing that the central government of Rome did in the middle and late Republic, as far as economic life was concerned, was simply to conquer the whole Mediterranean world and establish the Roman Empire as one of the two great empires of Eurasia, with the effect of making the Roman economy a huge affair spreading from the Atlantic to India." See also Harris 2008: 514-5.

[50] Again, Hopkins provides the best treatment. "Above all, the income from empire flowed into the purses of the privileged. That was one of the chief advantages of being privileged, at once a token of high status and a means of reinforcing it. Throughout the second century BC, the process accelerated (Hopkins 1978: 39)."

difficult for the most powerful individuals to draw citizens away from public institutions and into the legions of civil war – the untaxed citizens had nothing to offer but their loyal service, and it was easy for the super-rich to buy it from them. The state was left behind as independent actors accumulated the resources needed to overthrow it.

The trajectory of late Republican history, therefore, was the exact opposite of the modern nation state's: instead of military activity leading first to a greater drawing of resources from the population and then to an enlarged government, Rome's wars ended domestic taxation, and allowed those with the most influence to pull resources from the public to the private.[51] The state saw only minor growth, languishing in the shadows of a few towering figures. Despite the centralisation of resources needed to win the wars, therefore, victory actually enabled their decentralisation to the profit of the elite. To demonstrate and expand upon this thesis will require the introduction and justification of several concepts.

### *State and Society*

Expansion brought profits, but those profits were not distributed evenly. Despite the public nature of warfare, private actors managed to seize a large proportion of the resources yielded by empire. The success of the Roman aristocracy was built on this ability to manipulate the boundary between public and private: they could centralise

[51] The closest example in Tilly's work is that of Spain, for whom the flow of wealth from the New World allowed it to avoid the bargaining for taxes seen among its northern neighbours. See Tilly 1990: 94: Spain "created an alternative to domestic taxation, and thereby shielded [its] rulers from some of the bargaining that established citizens' rights and set limits on state prerogatives elsewhere." On page 79, Tilly also discusses the importance of Spain's revenues from Italy and the Netherlands, as well as the eventually failed resort to credit.

Rome's resources into a public sphere to share the burden of warfare, but they could decentralise the profits into the private sphere when they wished.

This notion of centralisation and decentralisation of resources is at the heart of the story, and in this – as in much else – I have benefitted enormously from the work of Michael Mann.[52] Mann conceives of society as an amalgam of multiple and intersecting sociospatial power networks.[53] In this conceptualisation, states develop as society's challenges become too great to be met by looser, decentralised accumulations of both human and non-human resources:[54]

> States are called forth and intensified when dominant social groups, pursuing their goals, require social regulation over a confined, bounded territory. This is most efficiently achieved by establishing central institutions whose writ radiates outward monopolistically, across the defined territory. A permanent state elite is set up. Even though it may be originally the creature of the groups that instituted or intensified the state, the fact that it is centralized and they are not, gives to it logistical capacities for exercising autonomous power.[55]

[52] Esp. Mann 1986, but also Mann 1984 and Mann 1977.

[53] Mann 1986: 1-3. He nevertheless objects to the very term society on the grounds that, since there are only sprawling networks, there is no way to delineate 'society' from any other human interaction or to delineate one society from other societies.

[54] To use Sewell's dichotomy, as at supra n. 35. Mann's own work differentiates four types of resources: ideological, economic, military and political (Mann 1986: 22-8).

[55] Mann 1986: 521.

In the Roman example, as in so many, the cause for centralisation was warfare. At least during the historical period, no Roman notable waged foreign war under his own banner, and certainly not even an alliance of several great patrons could have staved off the likes of Hannibal or achieved the scale of conquests enjoyed by Rome in the third, second and first centuries. The amalgam of disparate individuals and families comprising the Roman community succeeded in unifying manpower, economic resources and political energies into a single well-stocked unit, and in this concentrated form, the overall capacity of the Roman people (and their allies) proved to be irresistible.

Centralisation thus made Rome the ruler of the Mediterranean. The problem for the elite who led her, however, was that use of these centralised resources was subject to centralised rules. In coopting the population for a single, elite-determined course, and in unifying the potentially divergent forces of powerful individuals, the leaders of Rome's great houses had to relinquish any hope of being able to employ this pool of resources autonomously. No aristocrat could expect all Romans to fight for his own personal aggrandizement. Centralised resources could only be deployed for centralised ends. The keeper of this right became the senate, and breaches of this 'centralised use' principle were heavily criticised:[56] in 291, for example, as the strength of centralisation was first becoming clear, L. Postumius Megillus was convicted for putting Roman soldiers to work on his own farm.[57] M. Aemilius Lepidus was more fortunate: criticised for spending public funds on improving his own estates, he managed to escape punishment.[58] It thus became preferable for those who led this centralised Rome to decentralise the profits of

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[56] Despite the statement at Polyb. 6.12.8 that consuls can withdraw as much from the treasury as they wish, the permission of the senate always seems to have been required in practice (Walbank 1957: op.cit.).

[57] Livy. *Per*. XI.

[58] Livy 40.51.2

collective endeavour, so as to benefit from them on their own private terms.[59] So long as they remained centralised, even the most distinguished man was unable to do as he wished with these resources; but if he could convert them to private property, he gained autonomous enjoyment of them. Many state agents in many historical cases have done this, manipulating their control of state resources to squirrel them away in their own private lives.[60] Most are limited to the odd piece of stationery, but the fortunate few have come to control the immense profits of oil exports or government monopolies. In the Roman example, as we will see in later chapters, the elite managed to privatise an enormous share of the overall resources flowing back to Italy from the provinces, despite the fact that the coercive force deployed in raising these resources was highly centralised. This process of centralising communal resources to create a profitable empire, before decentralising the fruits for private enjoyment, is the central dynamic of my thesis, but because it establishes a distinction between public and private accumulations of resources, allowing centralisation and decentralisation to shuttle resources one way and the other, it clashes with the monist Rome of Meier and Hölkeskamp.[61]

I take an unashamedly 'state and society' approach. Not only does the focus on centralisation and decentralisation of resources require this perspective, I believe it

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[59] See, once again, Hopkins 1978: 14: "Land-ownership provided the elite with continuous income, whereas exploitation of the provinces did not. For under the Roman political system, aristocratic families had to seek election to political office from the plebs. The great majority of Roman aristocratic families ran the risk of not securing election to high office in each generation and the chance of provincial profit which went with it…When they did reach office, the pressure to make a profit, and to convert their booty into landed income was all the greater." See chapter four below. De Ste Croix 1981: 347-8 makes the fascinating comparison between Rome and Marx's depiction of the British Empire as run at a public loss for the profits of private actors: "The Roman state itself, as such, did not profit very much from the taxation of most of its provinces, in the Late Republic and Early Principate, and perhaps only Asia and Sicily produced a really handsome surplus, if military and administrative expenditure is set off against tribute."

[60] Mann 1984: 209-10.

[61] Supra n. 17, 23.

actually demonstrates its necessity. The melding of state and society in much of the scholarship stems from a focus on decision-making, on obedience, on the lack of bureaucracy in Rome's governing system and on the very real equation of social leadership with political leadership. From that perspective, it is more than defensible, though it still rests on the universality of its posited consensus. There is no doubt, for instance, that the aristocracy saw itself as synonymous with the state, but in the absence of plebeian sources, it takes courage to conclude that non-elite members of Rome's population all agreed – the conflation of state and society may hinge on the part of society being examined.[62] From our resource perspective, in any case, we can set out on a different trajectory. As I try to show throughout this dissertation, the various systems by which Rome's public and private 'sectors' enriched themselves were structured around the precise differentiation of state and society. Resources were accumulated in one or the other, and there was very little ambiguity – distinct from movement – between the two. Once a distinct public accumulation was created, moreover, some idea of state grew up around it to regulate legitimate usage. To better make this point, it is worth separating institutional and functional aspects of 'stateness', and to set that up, we can look at possible ways to define 'state'.

The usual definition of state is essentially Weber's. This version revolves around a centralised collection of institutions that monopolises the setting of binding rules and

[62] Despite its dismissal at Hölkeskamp 1993: 13 n. 4, we should take seriously one of Brunt's best criticisms of Meier's work (Brunt 1968: 230): "'Society' [Meier] alleges on p. 156 'made the state its servant.' To liberals this is just what the state ought to be, and the Roman Republic was not. But, if we substitute for 'society' the class interest of senators and, to some extent, of the Equites (cf. 203), [Meier's] statement will stand. Not every one was satisfied, but the political classes in the main were." Brunt demonstrates here that, if the claim to complete consensus falls short, then Meier is really only reconstructing the aristocratic perspective, and not some actual historical condition. I would again refer to the work on hidden transcripts at Scott 1990. Brunt himself, however, was far from following my own line here: for his views on the absence of an abstract state and on the definition of the ancient state as nothing more than the collective of citizens, see esp. Brunt 1988: 299-300.

the legitimate coercive right to enforce them within a demarcated territory. There are problems with this approach. Mann is right to argue that this definition of state stresses the existence of a set of institutions over the existence of a set of functions; it thus focuses more on what the state *is* than what it *does*.[63] In ancient history, however, a definition of state which prioritises the functional is preferable, because the institutions were usually thin and – below a certain level on the hierarchy – almost always under-represented in the source material. It is usually easier, therefore, to identify distinct public actions than distinct public actors.[64] Moreover, and as Weber knew well, his was not so much a definition as an ideal type – every state in history has fallen short of it, if only because none has had an unchallenged monopoly of binding rule-making. To adopt it is to close off a great many ways to think about the state, because it conforms to so few real cases.[65]

Migdal has offered a way of thinking about states which, I believe, is more conducive to an analysis of the Roman Republic, though some parts of it will be more controversial than others: "The state is a field of power marked by the use and threat of violence and shaped by (1) *the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and (2) the actual practices of its multiple parts.*"[66] I will not be following this version of the state

[63] Mann 1984: 187-8. It is not unusual to focus on the state's unique ability to employ coercion. See, for example, Scott 1998: 87-8: "The state has no monopoly on utilitarian simplifications. What the state does at least aspire to, though, is a monopoly on the legitimate use of force. That is surely why, from the seventeenth century until now, the most transformative maps have been those invented and applied by the most powerful institution in society: the state."

[64] Harris 2003, on government actions with respect to the economy. See Martin 1990: 228-9 for an intelligent discussion of institutions and institutionalisation as a measure of stateness at Rome.

[65] Migdal 2001: 12-5. See also Hansen 2000: 12-3.

[66] Migdal 2001: 15-6, with italics in the original. He goes on: "Actual states are shaped by two elements, *image* and *practices*. These can be overlapping and reinforcing, or contradictory and mutually destructive."

literally, but it appeals to me because it caters for two parts of the Roman Republican state that I believe are of critical importance. The first is that while magistrates were indeed aristocrats as well, what allowed a few of them each year to execute Roman soldiers with impunity was *imperium*, something granted by an authority which was indeed a representation of the Roman people.[67] There was more to a magistrate's gravity than his own personal qualities, and if we do not posit an overarching authority bestowing upon him a separate, public legitimacy, we miss what set him for this one year atop the centralised resources of his community. The second is that we can gain a far better handle on Roman governance if we move from the question of who or what it was (the institutional) to the question of what it did (the functional), or as Migdal puts it, "the actual practices of its multiple parts". The two are interrelated, but will have to be treated separately.

Let us return for a moment to the idea of state as a set of networks within society, but with privileged access to centralized resources. Assuming that all social activity requires the use of resources, whether human or non-human, what separates the state is its application of centralised resources with such ubiquity across the Roman population. The wealthiest Romans may have had resources which could rivals the states, but they could not call upon *each and every Roman* to centralise his efforts for their own private projects. The state could. By demarcating an accumulation of resources which could not be touched by private actors, a separate network was established. This network admittedly lacked autonomy, but this does not negate its existence and certainly does not

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The stress on image is largely derived from Bourdieu, but the most illuminating treatment of state image is perhaps at Mitchell 1999.

[67] On the belief that the assembled voters represented the entire *populus*, Flaig, 1995; 85, Laser 1997; 139.

negate its conceptual validity (see below). One passing anecdote of Plutarch's, moreover, suggests that, although the state's autonomy was unimpressive, the aristocracy certainly did not have it all its own way. When Cato Minor took up charge of the treasury as quaestor, he shocked his subordinate officials by actually affecting the way they did their jobs:[68]

> And though the office of quaestor was open to him, he would not become a candidate for it until he had read the laws relating to the quaestorship, learned all the details of the office from those who had had experience in it, and formed a general idea of its power and scope. Therefore, as soon as he had been instated in the office, he made a great change in the assistants and clerks connected with the treasury. These were fully conversant with the public accounts and the laws relative thereto, and so, when they received as their superior officers young men whose inexperience and ignorance made it really needful that others should teach and tutor them, they would not surrender any power to such superiors, but were superiors themselves. Now, however, Cato applied himself with energy to the business, not having merely the name and

[68] Plut. *Cat. Min.* 16.2.3: Ἐπιβάλλουσαν δ' αὐτῷ τὴν ταμιευτικὴν ἀρχὴν οὐ πρότερον μετῆλθεν, ἢ τούς τε νόμους ἀναγνῶναι τοὺς ταμιευτικοὺς καὶ διαπυθέσθαι τῶν ἐμπείρων ἕκαστα καὶ τύπῳ τινὶ τῆς ἀρχῆς τὴν δύναμιν περιλα βεῖν. ὅθεν εὐθὺς εἰς τὴν ἀρχὴν καταστάς, μεγάλην ἐποίησε μεταβολὴν τῶν περὶ τὸ ταμιεῖον ὑπηρετῶν καὶ γραμματέων, οἳ διὰ χειρὸς ἀεὶ τὰ δημόσια γράμματα καὶ τοὺς νόμους ἔχοντες, εἶτα νέους ἄρχοντας παραλαμβάνοντες, δι' ἀπειρίαν καὶ ἄγνοιαν ἀτεχνῶς διδασκάλων ἑτέρων καὶ παιδαγωγῶν δεομένους, οὐχ ὑφίεντο τῆς ἐξουσίας ἐκείνοις, ἀλλ' ἦσαν ἄρχοντες αὐτοί, μέχρι οὗ Κάτων ἐπιστὰς τοῖς πράγμασι νεανικῶς, οὐκ ὄνομα μόνον καὶ τιμὴν ἔχων ἄρχοντος, ἀλλὰ καὶ νοῦν καὶ φρόνημα καὶ λόγον, ὑπηρέταις, ὅπερ ἦσαν, ἠξίου χρῆσθαι τοῖς γραμματεῦσι, τὰ μὲν ἐξελέγχων κακουργοῦντας αὐτούς, τὰ δ' ἁμαρτάνοντας ἀπειρίᾳ διδάσκων. ὡς δ'κακουργοῦντας αὐτούς, τὰ δ' ἁμαρτάνοντας ἀπειρίᾳ διδάσκων. ὡς δ'ἦσαν ἰταμοὶ καὶ τοὺς ἄλλους ἐθώπευον ὑποτρέχοντες, ἐκείνῳ δ' ἐπολέμουν, τὸν μὲν πρῶτον αὐτὸς καταγνοὺς περὶ πίστιν ἐν κληρονομίᾳ γεγονέναι πονηρόν, ἀπήλασε τοῦ ταμιείου, δευτέρῳ δέ τινι ῥᾳδιουργίας προὔθηκε κρίσιν.

> honour of a superior official, but also intelligence and rational judgement. He thought it best to treat the clerks as assistants, which they really were, sometimes convicting them of their evil practices, and sometimes teaching them if they erred from inexperience. But they were bold fellows, and tried to ingratiate themselves with the other quaestors, while they waged war upon Cato. Therefore the chief among them, whom he found guilty of a breach of trust in the matter of an inheritance, was expelled from the treasury by him and a second was brought to trial for fraud.

The historical veracity of this particular episode is unimportant. What matters here is the insight it gives into how an ancient source like Plutarch's expected the treasury to operate. In this instance, a critically important part of government was being run by permanent officials who were more knowledgeable and demanded more respect than the elected official in charge of them. The elite sources from which we glean most of our information of the ancient world rarely reveal the perspective of the non-elite administrator, but from this one passage we can conclude that there were sections of Roman government which were a lot more autonomous than we usually imagine. Large accumulations of resources simply could not be run by an annual rotation of amateurs, and the presence of this kind of expert knowledge does not suggest an entirely aristocratically dominated state.[69] These officials had to manage all those who transacted with the public accounts: countless contractors, for example, and apparently even executors of wills. Although by no means aristocrats, they drew such authority from their

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[69] On our increasing appreciation of specialised state knowledge in running the early Empire, see Noreña 2010: 538.

expertise that they overshadowed most of their social superiors. These were people who reveal the divide between state and society; while of varying distinction in everyday life, they were full of authority when part of the state. This is part of a two-way process of legitimacy for the state and its agents: their expert knowledge separated the state from non-experts and raised its social gravity, which in turn gave further legitimacy to them as its agents. They could, therefore, draw authority from the state as its own entity. This derived authority was by no means unique to treasury officials. It was a hallmark for all of those who deployed centralised resources, and particularly those who deployed coercive resources.

For a great deal of Roman statecraft, something like *imperium* played little role, since the senate was the decision-making body. As Hölkeskamp has well shown, the senate constituted the central pool of experience and leadership in the state, to which nobody was directly elected and in and out of which aristocrats rotated when taking up or laying down magistracies.[70] Once again, in terms of decision-making, the collective role of the senators is undeniable, and because the senators were by definition aristocrats, this meant that the aristocracy ran the state. But this is, I would argue, to take a very elitist perspective on politics. Just because the aristocracy defined itself through state service (its *Staatsbezogenheit*), does not mean that everyone in the community equated the state with the aristocracy, or respected – distinct from elected – state officials because of their aristocratic quality.[71] Once again, not even the wealthiest, most eloquent, highest born

[70] Hölkeskamp 2010: 26-30.

[71] *Staatsbezogenheit*: Goldmann 2002: 47. See also Pani & Todisco 2005: 26-7. Responding to claims that the equation of social and political is circular, Hölkeskamp 2000: 215: 'This may be Circular, but it is deliberately expressed by means of such a formula, because it is this very "circularity" which is the most precise way of characterising the complex and interlocking social, political and ideological foundations of the Republican "meritocracy."'

*princeps senatus* could execute a soldier or have lictors part a crowd in the way that a *novus homo* in the praetorship could. The aristocracy might have seen magistracies as a rotating reward for their social status, but, to legionaries facing decimation, *imperium* was a very real thing, and its constancy – despite the comings and goings of its various holders – was a defining feature of their early adulthood.[72] No amount of *dignitas, auctoritas* or any other social virtue could offer what *imperium* offered (though an assassin like Scipio Nasica, having failed to spur the consul to action, controversially made the opposite case). This derivation from something exogenous to the person was what separated *imperium* from aristocratic virtues like *auctoritas* or *dignitas*. There was clearly an authority independent of the occupant of the magistracy, if only because the power of the office was more or less equal regardless of the varying prestige of the person. This should become clearer if we descend below the level of the elected magistrate and into the murky depths occupied by unelected officials.

Lictors are a problematic example because they are in some sense an extension of the consul or praetor, but I believe they can still show the impersonal nature of state authority in their own unique way. Although they were accompanying a magistrate, they themselves were not aristocrats, and their symbols stressed that their authority was derived publicly – any other retainer, without the fasces, was merely a client, and he had no right to coerce in the way a lictor could. There was a definite public/private divide which spoke to a legitimacy separate from the social one upon which a crowd of clients could call.[73] Livy understood well that as soon as the aura of their state authority

[72] On the unavoidable relationship between the concepts of *imperium* and state, see Erdkamp 2007: 97.

[73] As with the Nasica exception mentioned above, crises revealed a complete lack of consensus over just how far this divide could go. Bourdieu writes of the need for state actors to suppress their own personal interests and to represent the universalist nature of the state, with failure to do so resulting in the collapse of

(*maiestas*) was lost, they – or any magistrate for that matter – had very little left. In one episode, he expresses the patrician consuls' dilemma: they relied on lictors for coercion, but the lictors themselves were mere plebeians, relying solely on their office for legitimacy, and if anyone dared scorn their authority, they were revealed to be pitiful and weak.[74] The crowd smashed the fasces, and what was left? It was fine for an Appius Claudius to fall back on his innate social standing, but what did a lictor have in reserve? The ability of lictors to appeal to their office for authority seems to be to be in line with Migdal's notion of a state "image". One could reply that it was really the consul's aristocratic authority which shielded the lictors, not their own, which was why they could not operate independently.[75] This, however, would be harder to believe in a more independent case, like that of a treasury official cited above.

Institutions like the treasury and the lictors were necessary because the state had functions to fulfill. When thinking of state functions, it is easy to focus on the relatively well-attested deeds of consuls and praetors, even aediles and quaestors, and from this perspective I happily admit that the concepts of state and society elide. But the full range of state functions is easier to appreciate if we move away from the institutions and

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state legitimacy – people respect the authority of state actors only so long as they represented something beyond their own private interests (Bourdieu 1999: 72-3). The aristocracy was willing to respect this image – the subordination of private to public interests – until the situation became too dramatic, at which point their acquiescence would collapse and they would resort to private actors for force. The senate praised the use of force by L. Domitius Ahenobarbus and Q. Metellus Celer in the 60s, and reserved the right to declare an emergency when it saw fit (see Nippel 1988: 55-61). The controversy surrounding Cicero's use of young equestrians as a paramilitary force in 63, however, testifies to the outrage this met in some parts of Rome. A. Gabinius was particularly outraged: Cic. *Post. Red. in Sen*. 12, 32, *Sest*. 28, *Planc*. 87. One can only speculate what kinds of similar protests were made in the wake of Nasica's actions in 133.

[74] Livy 2.55.3-11, with Nippel 1988: 20-6. Their very plebeian-ness may in fact have been central to what the patricians were hoping to achieve: they were walking, talking demonstrations of what plebeians ought to be. Had the patricians used young patrician lictors – they used young patricians for muscle (Kaeso Quictius at Livy 3.11.8, for example) – then it would not have displayed plebeian fealty towards the magistrate, and the boundary between the two orders would have seemed only starker. They manifested the ideal *concordia* between the plebeians and the patrician leadership.

[75] Nippel 1995: 14.

personnel of magistrates. Take coinage as an example. The aristocracy did its best to make each and every coin part of its social promotion, advertising the names of moneyers and the deeds of ancestors. The role of coinage as a medium of self-promotion should not, however, obscure its more practical role in the Roman world; it would be absurd to claim that the Roman population embraced monetization because of the moneyers' status or because of the role coins played in image-making. The state as a whole went about its business of sourcing metals on an unparalleled scale, minting awesome quantities of coinage and ensuring the value of each one, a business with which the consuls and praetors had very little to do.[76] The monetization of Roman society was part of the process of centralization, facilitating the funding of fleets and armies, of road and aqueduct construction.[77] To argue that it was an aristocratic endeavour simply because the senior policy makers were aristocrats would produce an extremely misleading portrait. The same could be said for interventions in the credit market. Livy believed that there had been state interventions into the problem of debt throughout the history of the Republic, and claims that public funds were used for debt relief as early as the majority plebeian debt commission of 352.[78] He says that Cato was considered *asperior* in his coercion of moneylenders, the use of the comparative suggesting that there was an expected level of policing when it came to finance. Legislation was also passed in 193 closing loopholes in oppressive lending, a praetor was killed in 89 because creditors resisted his defence of debtors, with a relief law eventually passed in 86, and Caesar

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[76] The best treatments of coinage and monetization in this period remain Crawford 1974 and 1985 with a summary of approaches at Howgego 1990, 1992, 1995.

[77] Erdkamp 2007: 105-6.

[78] Livy 7.21.3, with Oakley 1997: 659-61 on the problem of debt in the period 357-342. Livy records the problem of debt being addressed publicly as early as 495, though details like *tributum* are clearly anachronistic (2.23.1ff).

regulated the repayment of debt in 49.[79] The state consistently intervened on behalf of debtors because society had proven unable to regulate itself internally, and the state was needed in some form as a partially external arbiter. The state therefore took on the function of minting coins, guaranteeing their value and ensuring the relatively smooth operation of credit, but these were far from its only commitments to the Roman people.

It is very difficult to find out how the grain programs of the Late Republic were run, but what matters from my perspective is that there was a fixed commitment from an *impersonal authority* to raise a certain amount of resources, and to expend them in a fixed way every year regardless of elections.[80] This was categorically not an aristocratic phenomenon; by centralizing the distribution of affordable grain, in fact, it clashed with the old system of allowing the individual aristocrat to source grain on his own, and I will make the case in a later chapter that this was one of the reasons C. Gracchus generated so much animosity. This was a centralized operation, a fixed commitment made by no person or persons, but no less real because of it. In my opinion, if we do not posit a concept of state behind this kind of function, the history of the Republic becomes less intelligible. Nor did this kind of state simply arise with C. Gracchus: Ap. Claudius Caecus had removed cults from aristocratic control and 'nationalized' them by putting them under public control, again with a fixed commitment to fund its rituals;[81] guarantees of civic rights, like those encoded in the *lex Porcia de provocatione* (right of appeal against magistrates), must again demand some kind of state entity, since the aggrieved

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[79] Cato: Livy 32.27.3-4. Loopholes: 35.7.2. Lex Valeria: Vel. Pat. 2.23.2. Caesar: Dio 41.37-8 with Frederiksen 1966.

[80] On the administration, see the discussion at Garnsey 1988: 215-7 with references. Tatum 1999: 124-5 suggests that Clodius distributed his grain through the *collegia*.

[81] *MRR* contains the many references.

citizen did not appeal to a specific person, as was the case with the tribunician *intercessio*, but to an abstract, yet binding authority.[82]

This final point brings us to the problem of law. There is no doubt that scholars like Wieacker and Hölkeskamp are correct to stress statutory law's meagre pervasiveness in Roman society.[83] Exceptions to this rule are limited, but the *lex Porcia* is an excellent example of their scope. Only some of the many laws passed were strictly observed, but the presence of these laws testifies to the need for a maker and enforcer of rules distinct from society and its pervading inequalities. In defensive laws like the *lex Porcia* or the ban on debt-slavery, it was precisely because society and its leaders were so strong that there had to be resort to an authority outside the aristocracy – there was, after all, no point in appealing to the wealthy for protection against debt slavery. This is why the (admittedly small) field of statutes so often legislated in favour of the weak; it was a necessary offset to the kinds of social inequalities that demanded an exogenous remedy.[84] I would argue for the presence of a state distinct from society and would argue for its function in at least notionally guaranteeing these rights, because the whole point of

[82] The *populus.* See Lintott 1999: 98, on the conflict between *imperium* and *provocatio*.

[83] Hölkeskamp 2010: 16-22, citing Wieacker.

[84] From a different perspective, see Eder 1990: 20 and Eder 1996: 454-6. The resort to state solutions testifies to the difficulty of constructing a society-wide consensus. Nettl 1968: 583-8 has much to say about this. State activity is the field of dissensus, which is why sections of society had to pass a punishable law in the first place. If consensus was so ubiquitous, there would have been no need for a law to begin with. In these terms, public politics is the one normless area of society, where the goal is to remedy the absence of an appropriate norm. Laws represent the norms which will then be enforced in society, but it is the authority behind this enforcement which calls for a state concept. Nettl himself did not agree, arguing that the United States, for example, had no State, only Law. Where the European state had taken on law as its "profession…*par excellence*," Americans had differentiated law and state, with lawyers comprising "a distinct caste." There was then a "functional equivalence" between the European State and American Law, but the two had to remain conceptually separate, because the one can exist in isolation from the other. I would not follow this course. King and Lieberman 2008 have countered Nettl's perspective by arguing that, while the American State is surely smaller than its French equivalent, it is still present and required as "the guarantor of democratic rights." This did not mean that the United States has no state, rather that it has "a different kind of state."

legislating was to remove the problem from the society that was causing it. The fact that many – though not all – of these laws were undermined by timocratic juries, if the plaintant could get to court at all, mitigates the point, but does not overturn it; the weakness of a state does not prove its non-existence (see below).

I argue, then, that that if we direct our attention away from the magistrates and the process of higher politics, we are able to delineate a state whose independence from society is a defining characteristic. Particularly with respect to the allocation of resources within Republican society, denying the concept of the State poses more problems than it solves. Fiscality – the presence of public tax revenues and of fixed commitments from impersonal institutions to reallocate them in prescribed ways – demands a concept of state in some guise, because it is the very deficiencies of society's own distributive systems that makes a distinct state system necessary.[85] This notion of centralizing resources and programs relies on the distinction of public and private, of state and society.[86] Importantly, however, centralization does not require a strong or impermeable line between the two; on the contrary, it demonstrates the fluidity of the boundary, seeing the two "as continuously, temporally entwined," with resources and personnel continuously passing almost osmotically from one to the other.[87] But they must remain conceptually distinct, or else we risk losing the critical mechanism of centralization from our analysis.

[85] To this one would have to add the important factor of overarching ubiquity in a demarcated area and population. Without this rejoinder, the State can be indistinguishable from other large institutions. See the discussion at Mann 199-201: pointing out that entities like religions cannot make their rules binding on all within a territory.

[86] On centralization as a defining feature of the state, Mann 1984: 201-5.

[87] Mann 1984: 206. Mitchell 1999 stresses that the elusiveness of the state-society boundary should not be interpreted as a weakness of analysis, but as a starting point. For Mitchell, this blur is a necessary feature of the state which helps us to understand its nature.

By conceptualising the state in qualitative terms, as another set of networks that mobilise a particular (i.e. centralised) set of resources, we avoid the problem of having to set some scale which needs to be attained before a state can be called a state. This is worth stressing. The remarkably small bureaucracy affected the thickness of the state, and its relative unimportance in legislating for behaviour affected its footprint, but these are mere variables which affect the state's *type*, not its actual *existence.* Nettl stressed that universal definitions of state are of little use because the role of the state in each historical case varies; It is precisely the differences in scale, footprint, institutions and functions that become meaningful, turning the state into a "conceptual variable."[88] Harris has made a similar point with regards to Roman government: "'government', as applied to the Roman world, is not a metaphor, and to deny that the Romans had governments would be mere silliness, or to put it differently a pedantic cul-de-sac. The fact that governments were often short-lived, short-staffed and short-sighted does not differentiate them from those of many other states."[89] The Roman state was undoubtedly a thin one – Hopkins compared Song China's ratio of one elite administrator per 15 000 inhabitants to the Roman Empire's one per 350 000 - 400 000[90] – but again, this does not negate the validity of its status as a state. The state's laws also played a minor role in dictating social norms and behaviour, but this low capacity was neither indicative of overall state capacity, nor particularly important in establishing whether the concept of state can be applied. *When its leaders wanted it to*, the Roman state had a fearsome capacity: from foreign wars, to the suppression of local organisations like the Bacchanalian cult, to the

[88] Nettle 1968.

[89] Harris 2003: 275.

[90] Hopkins 1980: 121.

transformation of agricultural land, the Roman state was able to effect its sociospatial surroundings in ways that most premodern states could not have dreamt.[91] It was not so much capacity that the Roman state lacked, as autonomy. But autonomy is a variable among all states, and low autonomy does not undermine the validity of the label 'state' itself. What I want to stress is that all states exist on a spectrum of 'stateness', in which factors like capacity and autonomy affect the way the state operates, but not the extent to which it exists. In admitting that the Roman state was thin, that it lacked capacity in important areas of Roman society and that it had very low autonomy, therefore, we do not have to admit that there was no state at all or that there was no distinction between state and society. Moreover, we open up the question of why, with the task of managing an empire, Rome persisted with its thin state, and this takes us to the very heart of this dissertation.

The term state will be used throughout this dissertation to refer to the collective, coercive, centralized field of power at Rome. I do not claim that this field was entirely autonomous vis-à-vis the rest of society (no state in history ever has been). In several of its fixed commitments or in the defence of rights, however, it has to be seen as more than just the puppet of the most powerful. I completely accept that there was a high degree of overlap between the state elite and the social elite. I argue, however, that instead of negating the concept of state in Roman Republican studies, it should merely colour it,

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[91] Capacity can be judged by "the extent to which interventions of state agents in existing non-state resources, activities and interpersonal alter existing distributions of those resources, activities, and interpersonal connections as well as relations among those distributions (Tilly 2007: 16). On its ability to rearrange human and non-human resources for wars, see Rosenstein 2004. On the Bacchic cult, North 1979 remains the stating point, but see also Scheid 1981: 158-9 as well as Nippel 1995: 29 on the Bacchists as a "state within the state". On agricultural transformations, see Frederiksen 1984: 274; Harris 2008: 515, 518.

standing out as a variable feature worthy of study in its own right. Much of what follows will actually depend on the position of aristocrats (a social elite) as rulers (a political elite). Contrary to Kiser's identification of the senate as principal or ruler, I will continually stress the aristocracy in that role. This is because, although they can be prosopographically equated, aristocracy better captures the ability to dominate both state and society. It also captures their ability to influence so strongly the transfer of resources in both state and society.[92] To bring out the full importance of this ability requires a series of self-contained chapters.

Chapter one will be an examination of the Roman tax system. The variety of taxes imposed on the different provinces makes even a sketch of the system – all that the evidence will allow in most cases – a surprisingly lengthy endeavour. Following this survey of the kinds of taxes and the methods of collection, chapter two will focus on tax farming as a means of decentralising resources. I will argue that this contracting not only allowed the *publicani* to make profits, it capped the state's share of overall profits at an auction price and so freed all rent seeking beyond that from the stigma of defrauding the Roman people. So long as the state received the sum established in the bid, it had no grounds for complaint as governors and others exploited the centralised coercive powers of the Roman people under arms to notch up windfall gains. This leads into chapter three, in which I examine the system of provincial government from a fiscal perspective. Because the revenues and the contractors were overwhelmingly concentrated in the

[92] Kiser 2007: 195-8. An additional problem with establishing the senate as the ruler – as with other equations of state and aristocracy – is that while senators may have been aristocrats, not all aristocrats were senators, and I would particularly stress young members of distinguished families, who though of the highest birth, were not yet old enough to have held a magistracy. Their exclusion from the political classification of senate did not denude them of power, because their membership of the social classification of aristocracy endowed them with both human and non-human resources.

provinces, their impact and operation there demands treatment. The systems employed for provincial tax collection consistently minimised the demands placed on the governor's team, which certainly met political goals, but also reduced administrative costs and the share of profits consequently needed by the state. I also go on to analyse the ways in which the aristocracy successfully manipulated centralised resources to squeeze higher profits. These would then be decentralised through various policies, especially that of forcing subjects to borrow sums at interest.

In the fourth and final chapter of this dissertation I will argue that, in the name of military success, this aristocracy successfully manipulated their position as rulers to centralise the resources of the wider population, and then, again manipulating their position as rulers, implemented policies which allowed them to decentralise the profits for their own private gain. These private riches strengthened their position as a social elite and, since they were constantly siphoning public resources, minimised the state's ability to overtake their traditional control of resource distribution in Roman society. This reinforced existing patronage networks and effectively retained for the wealthy aristocrat a degree of power within Roman society even when electoral defeats thwarted his electoral goals. What allowed this, I argue, was the bounty of foreign revenues, because this undermined the fiscal relevance of the Roman people, consequently reducing their bargaining power and their ability to prevent the accumulation of resources in private estates. This conclusion respects the obvious hierarchies of Roman society, but sees them as the result of overwhelming inequalities in resources, forcing the bulk of the weakened population to defer to the elite in an attempt to gain access.

The conclusion will mention in passing the role of Rome's most important human resource – military manpower. The fiscal focus of this dissertation means that conscription falls beyond its scope, but there can be no doubt that as the state became fiscally detached from its citizens, it remained bound to the supply of soldiers. If we apply to conscription the same principles of dependence and bargaining which are outlined in connection to taxes, we find the opposite story to that told throughout these chapters. The state needed men to fill the legions, and several episodes of Republican history – from the social war to the lowering of the property requirement for service– can be seen through this lens as the consequence of collective citizen bargaining power. I will try to merge tax and manpower, arguing that, where other populations were able to withhold tax as a tactic to force change, the untaxed Romans were forced to rely on their one withholdable resource, military service, and that this made civil war far more likely than it has been in other historical cases.

What follows, then, is an attempt to explain parts of Roman social and political history by tracing the flows of revenue. I will argue that new tax revenues affected the importance and bargaining power of different constituencies within the population, steering the trajectory of state creation and forcing the losers into the patronage circles of the winners. My sights, therefore, are very much set on the usual topics of social hierarchies and the actions of the Roman state, but I hope to use a different set of skills to arrive at an original explanation.

## Chapter One

## The Roman Tax Systems

The history of the Roman Republic's revenues is an epilogue to that of its expansion. As the standards left the Tiber, left Italy and Europe, a gradual and often ad hoc process of profiting from vanquished foes and foreign ports was established. Over time, increased indirect taxes and myriad provincial tax systems came to define the fiscal landscape as the burden of taxation was shifted to the far ends of the Mediterranean.[1] This composite of different tributes was a far cry from the archaic methods of taxation that had sustained Rome's early wars of expansion.

That story is at the heart of this chapter. In narrating the creation of new tax bases, I will stress Rome's ability to minimise the administrative demands required of her. Policy-makers had to select what system of tax collection would be imposed on each new province, and despite a wide array of methods eventually adopted, and despite the diverse environments in which they were employed, they consistently chose practices which minimised the state's involvement in the act of collection. In some areas, governors supervised contractors; in other areas, magistrates merely received the payment from local communities who oversaw the entire process themselves. In none, however, did the role of state agents extend much beyond that of arbiter or supervisor. This is relevant to the overall argument of the dissertation for three main reasons: firstly, the collection of taxes usually accounts for a large part in the growth of the state's institutions, since no other arm can grow without revenues; secondly, tax collection is a typical site for the

[1] Variety of taxation methods is a central theme of Neesen 1980, for example, especially p. 6. See also Nicolet 2000: 79, Rössler 2007, Wolters 2007: 407-8.

interaction of a state and its population, and can therefore facilitate bargaining; thirdly, the methods adopted demonstrate the extent to which rulers are determined to maximise public revenues, and so reveal whether rulers see their interests best served through the institutions of the state. If the descriptions in this chapter are accurate, then I can conclude that Rome's rulers limited the build-up of the state's extractive (or revenue-raising) apparatus, which in turn limited the opportunity for the population to interact with the state and for the treasury to enrich itself.

Without this kind of introductory study – establishing what was extracted, how it was extracted and who controlled it once it was extracted – it would be impossible to elucidate the sociological effects of tax collection in the Roman Republic. I hope to show that Rome's rulers consistently found ways for the state to shrug the burden of administering its new revenue streams, and were more than willing to pay a price in revenues to do so. This chapter, therefore, seeks to answer the question of *whether* Rome's rulers chose a weak structure for raising revenues, which will allow later chapters to ask *how*, *why* and *with what effect*. It will require a description of how each part of the overall revenues were collected.

### *Taxes and Tribute in Italy*

To fund public expenditure, Rome had traditionally relied on a combination of emergency war financing (*tributum*), rents from public property (primarily land) and indirect taxes, tolls, dues etc. They can be dealt with in turn.

*Tributum* had been a system of directly taxing Roman citizens and was suspended indefinitely in 167.[2] Far from a centrally administered income tax, it had probably relied on a lump sum payment by the *tribuni aerarii,* who then collected the sum themselves from less wealthy citizens according to census ratings. [3] As such, it was a relatively invasive system, demanding a share of a person's total wealth in exchange for nothing immediate, but relying on social hierarchies instead of state administration. The wealthy, reflecting their affinity with the state, undertook the laborious task of collecting the total sum once they had themselves fronted it. It therefore encapsulated Rome's timocratic ethos: the wealthiest took charge of the system, paying the total up front and then coordinating its collection in parts from their lesser citizens; the contributions of these lesser citizens were in turn graded according to their overall wealth, with the least wealthy left untaxed. The more money and responsibility *tributum* demanded of citizens, therefore, the more distinguished they were. Not that the financial burden implicit in this distinction should be underestimated, however, and its abolition offered the enormous political advantage of freeing the regime from any dependency on its *tribuni aerarii* and

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[2] Plin. *N.H.* 33.56. See Nicolet 2000: 73-7 for an overview of the history of *tributum*, with, now, Northwood 2008. See also Wolters 2007: 412.

[3] The role of *tribuni aerarii* is by no means certain. It was first suggested by Nicolet 1976:46-55, and is followed by, among others, Brunt 1990: 354. For the amount levied, see Crawford 1978: 189.

other taxpayers.[4] Especially after the severe demands of the Second Punic War, the regime seems not to have hesitated when offered the chance to rid itself of it.[5]

Rents on state-owned property continued as a source of revenue throughout the Republic.[6] Spear-won public land in particular was an efficient vehicle for profiting from conquest: it could be distributed to tenants for rents or it could be converted to private property for citizens who would then be eligible for *tributum* and military service. The initial assigning of lands could no doubt be controversial, but once farmers were settled, the system demanded very little of the state. Within Italy, it lent itself easily to the existing system of leases for public land and *tributum* for private. The removal of prior occupants and the establishment of Roman or Latin farmers also made profits easier to extract, because everything depended on the compliance of friendly citizens instead of hostile foreigners. As such, transaction costs were presumably much lower than they

[4] Eich & Eich 2009: 25. At 23.48.8-9, Livy understood that high casualties under *tributum* represented the double-blow of a fiscal and military loss. Though none of our extant sources wrote before its disappearance, its memory nonetheless survived in the historical tradition as a source of plebeian suffering: seminal moments in Roman history were believed to have been sparked by it (in Livy alone, see 2.9.5-6; 5.10.3-9; 5.12.3-13; 5.20.5-8; 7.27.4; 10.46.6); its reprieve could similarly be portrayed as a sign of patrician paternalism (Livy 2.9.6). See also the narrative of the first plebeian secession at Livy 2.23.1ff, where a *nexus* fails his debt repayments because of untimely (in the sense both of inconvenient and of anachronistic) *tributum*.

[5] For the heavy exactions during the Hannibalic War, see esp. Livy 23.31.1 and Frank 1933: 79.

[6] How much they yielded is unclear: see with references Roselaar 2010: 128-36, whose scepticism that actual rents existed in the early Republic seems excessive (p. 91-3). On public land in general, see Carlsen 2003: esp. 179-82 and now Roselaar 2010: esp. ch. 2 & 3. For the tendency of premodern states to possess estates, Goldschied 1958: 411. Most simply from the primary sources, App. *B.C.* 1.7, which refers to a rent of one tenth of produce. Plaut. *Truc.* 141-51 contains a series of jokes concerning a prostitute whose body is treated as land (*ager*) to produce rental profits (*pascuum*), so Plautus for one thought a knowledge of leased land was widespread. For the *ager Campanus* in particular, see esp. Livy 27.11.8; *Tab. Bemb.* 21; Cic. *Att.* 2.16.1. Rents in Italy may not always have been paid: Terentia apparently refused to pay the *publicani* for rents owed on public land which she was occupying, whereas Atticus, that renowned friend of the contractors and avoider of controversy, paid his fees (Cic. *Att.* II.15.4). Rathbone 2003 has argued that rented public land was a new phenomenon in the second century, but fails to account for the land which is suddenly available to the senate in 210 (Livy 26.34.7-10) and 200 (31.13.7-9). If they were not being leased, what were these lands doing in the many years between conquest and distribution? Nor does his argument for Greek influences explain why the decision to lease the *Ager Campanus* was made in 210 or why no Greek influences can be found during the entry into Magna Graecia in the third century. For a thorough critique of Rathbone's position, see Roselaar 2010: 18-20.

would have been under a system of foreign tribute, and this made them valuable. Cicero, at least, was loathe to forego them: faced with a law to distribute leased public land as private property, he objected that the rents which would be lost outweighed any potential gain.[7] To fully appreciate his consternation, it has to be remembered that *tributum* had been suspended for over a century at this point, so that private land yielded nothing to the treasury. In addition, the Campanian lands in question were perhaps all that was left of Rome's once extensive tracts of Italian *ager publicus*. The bulk of it had been declared private by an agrarian law of 111 – *ager publicus* in the provinces, however, continued to be leased, and will be discussed below.[8]

In addition to *tributum* and rents, various indirect taxes must always have been part of Rome's revenues – it is implausible in the extreme, for example, that a large city dominating both the course of the Tiber and the peninsula's main north-south land route had never contrived a way to charge for trade or passage.[9] By the second century tolls and duties (*portoria*) were proliferating alongside a multitude of other fees due to three main factors: monetisation, growth in trade and a boom in the number of ports under

[7] He appears to have been focussed less on the financial value of these rents than on the strategic value of having a revenue source so close to home. The evidence of his disapproval from *De Lege Agraria* (I.3; .5; .11; .13; .15; 21; II.33; .47; .50; .62; .64; .69; .71; .72; .80) can be explained away as a rhetorical tactic, but not that from his correspondence (*Att*. II.16.1; VII.7.6). It is also interesting how much Cicero stresses the loss of revenues before a senatorial audience in the first speech against the *rogatio Servilia*: they presumably knew the state of Rome's revenues better than the audience in the *contio*. It is, of course, impossible to separate Cicero's (and Atticus') ideological qualms from fiscal ones in instances like this, and Cicero may simply have been against reallocating property in any context. See also the estimates of revenue at Frank 1933: 139.

[8] Infra nn. 55- 58. On the law of 111: Crawford 1996: no. 2 ll. 1-10; Roselaar 2010: 256-77.

[9] De Laet 1947: 53. Cf Andreades 1933: 138 (cited by De Laet) where he posits an origin for tolls and customs dues (*portoria*) in gifts given to local magnates for safe passage. Strabo saw Cyme's failure to implement the kind of *portoria* seen in every other city as cause for utter ridicule (13.3.6). By the time of Plautus' *Asinaria*, *portoria* were familiar enough to be used in jokes and passing references on stage (e.g. *Asin.* 159). On the inadequacy of the English term 'customs' to convey the full range of charges implied in *portorium*, see Purcell 2005:205-6.

Rome's control.[10] The censors of 204 created a new tax (*vectigal*) on salt, those of 199 instituted new *portoria*, those of 179 imposed new *vectigalia* and *portoria*, while C. Gracchus instituted new *portoria* as tribune in 123 and 122.[11] In fact, these indirect taxes grew so fast in the late third and early second century that they may have made *tributum* unnecessary; in this case, it is more accurate to say that the latter was *replaced* than simply suspended.[12] Indirect taxes continued to grow for another century, so that the end of domestic taxation only really came with the abolition of local *portoria* by Metellus Nepos in 60.[13] It is difficult to overstate the presence of indirect taxes throughout Roman economic life: as just one example of its ubiquitousness, there was a tax on the *caduca*, or the water which spilled out the end of the aqueduct and which could be taken for personal use.[14] Their very scope of different taxes, fees, customs and tolls, however, makes their yield impossible to estimate – we probably do not even know of the majority's existence – and it is likely that their economic impact was more profound for the contractors who collected them than for the state in whose name they did it. The amounts involved were certainly not negligible, but Rome's rulers proved themselves more than happy to forego a premium in exchange for having private businessmen administer the system for them.

[10] Monetisation: Hopkins 1980: 106-12; Howgego 1992: 29. Trade: Hopkins 1980: 105-6. Ports: Aside from the capture of foreign ports in war, De Laet 1947: 114 points to the construction of ports in 193, 192, 179 and 174 (Livy 35.10.12; 35.41.10; 40.51.2-7; 41.27.5-12). On indirect taxes, see also Wolters 2007: 408, 418-20.

[11] The salt tax gave its name to one of the censors, M. Livius Salinator (Livy 29.37.3). The collection of *portoria* in Capua and Puteoli were leased by the censors of 199 (Livy 32.7.3), the censors of 179 *portoria quoque et vectigalia…multa instituerunt* (Livy 40.51.9), and C. Gracchus *nova instituebat portoria* (Vell. Pat. II.6). How many of these later taxes were imposed within Italy is unclear.

[12] Badian 1972: 62-3. Cf Nicolet 2000: 73.

[13] Cic. *Att.* 2.26.1. Dio 37.51.3-4. Various reasons are given, from Frank 1933: 140 ('they were not worth the annoyance they cost') to Carcopino (that Nepos was illustrating the magnitude of Pompey's new Eastern revenues by giving up local ones), cited approvingly at De Laet 1949: 59. Carcopino is probably correct, thus allowing Pompey to claim that he ended *portorium* just as L. Aemilius Paullus had ended *tributum*. Caesar reinstated *portorium* at ports (Neesen 1980: 12 and Lintott 1993: 84).

[14] Front. *Aqu*. 2.94.

As will be argued in the next two chapters, this system failed to maximise public revenues, but by decentralising part of the empire's taxes and tolls into the hands of contractors, certain political goals were achieved: firstly, the non-senatorial elite was bound to the imperial mission thanks to the profits they earned administering it; secondly, senators prevented the growth of a controlling and threatening state administration, more expert and powerful than the rotating magistrates of the aristocracy. Once again, the capacities of the state remained more or less the same, despite the potential availability of lavish resources.

In Italy, therefore, the fiscal tripod of *tributum*, rents and indirect taxes slowly fell apart: After 167, *tributum* disappeared; over the course of the late Republic, more and more public land was privatized; by 60, *portoria* had been cancelled. Despite – or even thanks to – its rapid enrichment, the Italian economy was no longer needed to fund the state's activities. By the end of the Republic, the tax burden was almost wholly provincial, but this was a gradual process.

### *Taxes and Tribute in the Provinces*

At the time of the Battle of Zama, Italian revenues had already come together with those of the Sicilian and Sardinian provinces, and together they formed a composite of different techniques and sources whose wide variety would be a feature of Rome's fiscal history. Direct taxes in the provinces could be divided into four main categories:

- On the domestic front, there was *tributum*, but this was suspended after 167.

- In Sicily, the Romans oversaw a tax farming system in which local Sicilians bid for right to collect revenues, though Italians no doubt dominated the contracts for non-grain crops after the shifting of the auctions to Rome in 75.
- In provinces like Spain and Macedonia, tribute was collected by the community and handed over to the Roman state.
- In Africa and the East, Italian *publicani* bought the right to collect direct taxes either directly from the individual payer, or from each community *en masse*.

Each can be discussed in turn, but what I will stress throughout is the low level of state administration.

Cicero provides our starting point. For provinces other than Sicily: *aut impositum vectigal est certum, quod stipendiarium dicitur, ut Hispanis et plerisque Poenorum quasi victoriae praemium ac poena belli, aut censoria locatio constituta est, ut Asiae lege Sempronia.*[15] The former category refers to those who paid fixed sums to the Romans as tributaries, and since the list given by Cicero was never meant to be exhaustive, we may add Sardinia,[16] Macedonia and Illyria,[17] as well as Achaea.[18] There is also epigraphic evidence that a fixed poll or head tax was paid in several Aegean cities,[19] and a poll tax was also in place during Cicero's governorship of Cilicia, though it is unclear whether

[15] Cic. II *Verr*. III.12. See Neesen 1980: 7-8, 9-10, Lintott 1993: 72, 74, Nicolet 2000: 284-5 and Merola 2001: 39-40. For Spain, see Richardson 1986: 72 and Edmondson 1996: 188-9.

[16] See below n. 25.

[17] *Tributum* in Macedonia: Livy 45.18.7. *Vectigal* in Illyria: 45.26.14. See also Neesen 1980: 8; Lintott 1993: 74.

[18] *Contra* Pausanius' general statement that tax was imposed on Greece in general and the belief at Kallet-Marx 1993: 50-60 that Achaea was not taxed until 86. Against Kallet-Marx's position, see Ferrary 1999: 70-1. Cf. Larsen 1938: 306-8; Alcock 1993: 20.

[19] Neesen 1980:8.

this was a permanent tax or a special levy placed by his predecessor.[20] Tribute (*phoros*) had to be paid by the communities of the former Maccabaean kingdom as well as "the whole of Syria."[21] In Syria and Cilicia the fixed tax was in the form of a 1% levy on property annually, and Caesar probably found just this kind of fixed land tax in Palestine – he promptly converted it into a more efficient tax of 12.5% of the harvest paid cumulatively every two years.[22] The situation is complicated, however, because different taxes were paid by the same peoples, and our sources rarely set out the full picture. As a result the East will reappear in discussion of further taxes below.

These areas of fixed tribute required minimal administration because the amounts paid each year were unchanging, and thus did not require the laborious measuring of harvests that tithe systems demanded. From the perspective of the state, therefore, these were the easiest of all revenues, but their constancy probably implies that they were not as profitable as they might have been – the fact that they did not account for good and bad harvests surely implies that they were not particularly oppressive. Moreover, why would Rome have pursued the more complex systems if these simple ones yielded similar revenues? Despite their shared natures as fixed contributions, however, the actual payments from each area were collected in different ways: in Spain and Macedonia, it was probably paid over directly by subject communities without the use of *publicani*;[23] in

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[20] Cic. *Att*. V.16.2. Cf. *Fam*. III.8.5. The *epikephalia* are attested in Laodicea, Apamea and Synnada.

[21] Heichelheim 1938: 231. The evidence can be found at Jos. *Ant.* 14.74 for the *phoros* on Jerusalem and the countryside, with Cic. *De Prov. Cons*. 10 and Vell. Pat. II.37 referring to Syria as *stipendiaria*.

[22] For the 1% tax, App. *B.C.* 8.50. Heichelheim 1938: 231.

[23] At Livy 43.2.12, there is no sign of any role for *publicani* in the collection of taxes in Spain. This would make sense under the view at Richardson 1986: 72 that *stipendium* was originally "an *ad hoc* levy" by a governor. Frank 1933: 255 claims that payment was made directly to quaestors, but does not give a reference. For Macedonia, the initial settlement was an indemnity, and the addition of a governor after the revolt of Andriscus probably cemented this system of payment, since very little seems to have changed with the establishment of the province; see Livy 45.32.7: *Leges Macedoniae, quas ne usus quidem longo*

Africa, to judge from one inscription, it seems to have involved at least transportation (if not collection) by *publicani*.[24] In neither case, however, was the Roman state particularly involved.

The other type of revenue collection mentioned in the passage of Cicero above was the *censoria locatio*, in which contractors would buy at auction the right to collect the taxes of the province and retain as profit anything they collected over the bid price. This system of tax farming will be investigated in depth in the next chapter, but it is worth touching upon its history here.

While the archetype of *censoria locatio* was the Asian system instituted by C. Gracchus in 123, it really belonged to a larger category of agricultural tithes, the presence of which was much older. Some sort of fixed *stipendium* seems to have been collected in parts of Sardinia, though the details are vague, but there was also a tithe being paid by at least some of the local communities; the most likely scenario is that Sardinia was a tithe-paying province, but that certain communities that had rebelled over the years were subject to *stipendium,* probably in addition to the tithe.[25] We have a more solid grasp of the situation in Sicily, where collection of direct taxes was on a tithe basis and conducted locally.[26] Each city drew up its own list of agricultural producers and recorded the extent of land, the area of each cultivated crop and the amount of seed sown. The lists were open to the *decumani*, prospective bidders for the contracts to collect the tithe. The bid

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*tempore, qui unus est legum corrector, experiendo augueret*. Similarly Justin 33.2.7. Cf Haywood 1938: 303, where the original settlement "can be said to constitute the *lex provinciae* of Macedonia."

[24] Africa: *ILS* 901 records a *publicanus* involved in the collection of African taxes: *Fonteio Q. f. q. mancup. stipend. ex Africa*. See Lintott 1993: 77.

[25] Livy 36.2.13, 37.2.12; 41.17.2, 42.31.8, the last of which mentions of a second tithe, implying the regular existence of a first. See also Frank 1933: 140, Lintott 1993: 71-2 and Schulz 1997: 214.

[26] The system is outlined at Scramuzza 1937: 237-40. Also at Badian 1972: 79-80, Lintott 1993: 75 and Nicolet 2000: 279-80.

itself was conducted under the watch of the governor,[27] and the successful contractor then made an individual *pactio* (contract) with each taxpayer, a copy of which was retained by each party and a third kept by the city. In the absence of a *pactio*, the tithe could be collected on the threshing floor,[28] and a fee in the form of a further percentage of the harvest seems to have been normal.[29] Failure to keep to the terms of the *pactio*, or failure to pay or receive the correct amount of harvest was liable to a punishment expressed as a multiple of the tithe (4x for the payer, 8x for the collector). The system seems to have worked well, and even when the auctioning of contracts for fruits and minor crops was moved from Sicily to Rome in 75, the collection of the grain tithe was left unaltered.[30]

In contrast to the Sicilian tithe, for which a multitude of local contracts were sold within the province, the auctions for the Asian system were held in Rome and on the block was a single contract for the entire province. This holding of auctions at Rome was a critical departure from the Sicilian precedent: where the latter encouraged local, provincial tax farmers, the Asian contract would inevitably be bought by Italians living close to the city.[31] These foreign contractors had few ties to the local communities and few incentives to behave well. Perhaps with Sicily as a precedent, they also seem at first to have collected the tithe directly from the grower, but in a manner far more invasive

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[27] The bidding on contracts for harvests other than grain were transferred to Rome in 75: see Cic. II.*Verr*. III.18.

[28] Or presumably at the harvest or the processing of grapes, olives and of minor crops (*fruges minutae*). See Cic. II. *Verr*. III.18. Whether the tax farmer collected his share directly or relied on an intermediary like the *magistratus Sicilus* is unclear, though the latter seems likely. This would add an additional buffer between taxpayer and tax collector: see Bell 2007: 189-90.

[29] Lintott 1993: 75.

[30] Cic. 2.*Verr.* 3.18.

[31] Cic. II *Verr*. III.12. Cf. Nicolet 2000: 285-6.

than it had been in Sicily.[32] Eventually, however, the intrusiveness of the tax farmers had to be softened, and it seems to have been permitted for each local community to raise the total amount it owed and to deal with the publicans as a corporate entity. Taxation in Cilicia can serve as an example. This system is known *relatively* well thanks to Cicero's correspondence, and it revolved around just this kind of *pactio* made between the local community and the *publicani*. The whole community would negotiate with the contractors the annual tax owed by the entire population, and this process was mediated by the governor, who had to provide the *publicani* with a high return without crippling the local community.[33] These contracts were also important because they probably set the tax burden for a full five years.[34] If the local community lost the negotiations with the contractors, they had to live with the extra taxes for half a decade. Once the annual amount was determined, the local community would then set about raising the sum

[32] Broughton 1938: 537 appears to believe that the *publicani* originally collected the tithe directly from individual payers, with Pompey instituting the reform of city-scale *pactiones*, though he uncharacteristically gives no reference for this view. Magie 1950: 164 withholds judgement, skipping directly to the later and better-attested system: "according to the method eventually employed…". So also Rostovtzeff *SEHHW*: 811-3, and 817: "Of their operations before the time of Sulla we hear very little."

[33] Cicero was relieved that the *pactiones* had already been drawn up before he arrived in his province: Cic. *Att*. V.13.1; V.14.1. This is to Cicero's credit. A less scrupulous governor could see the negotiation as a chance to take enormous bribes from either party. Cf. Badian 1972: 79-80: "It was the *pactio* that gave the governor his main chance if he was unscrupulous, his main worry if he was honest."

[34] There are three strong reasons for believing that the contracts were quinquennial. Firstly, Cicero refers to communities paying (and not paying) according to *lustra* (Cic. *Att.* VI.2.5). Secondly, he knew that the *pactiones* for his province were drawn up before July 26th in 51, but made no mention even of impending negotiations by the time of his last Cilician letter in August of 50, nor (thirdly) is his eagerness to serve just one year as governor ever related to a desire to escape annual bargaining over *pactiones*, a set of events he was eager to avoid in 51 (Cic. *Att.* 5.13.1). *Lustra* were presumably adopted to avoid the necessity of annual movement of collectors and taxes, and to coincide with the terms of the *publicani*'s own *leges censoriae.* Take Cic. *Att*. VI.2.5, for example. In this case the local taxpayers and the collectors appear to have been happy to pay off the obligations of more than one *lustrum*, and possibly two whole *lustra*, despite the fact that this would roughly equal 100% of a year's harvest! Such payments of arrears must surely have been in cash, and it is difficult to say how often this was the case. Broughton 1938: 537 n.13 adheres to the view that contracts were let for five years. *Contra* Rostovtzeff *SEHHW*: 967 and Magie 1950: 1054, who gives no argument beyond it seeming more probable. Merola 2001: 107 addreses the problem, but oddly withholds judgement.

themselves so that they would have it ready for collection when the tax farmers returned for their due. Whether it was always ready for them no doubt varied.[35]

Whether *publicani* were employed all throughout the East is somewhat controversial. Badian believed that the *censoria locatio* system was spread throughout Pompey's conquests, whereas Lintott argued that the pre-existing Seleucid system was retained and that tribute was paid directly to the governor.[36] In all likelihood, a combination of old and new taxes were imposed, but there is thin evidence in favour of Badian's view that *publicani* were in charge of collecting at least some them. We saw above that a fixed tribute of 1% of property was applied in some areas, notably Cilicia and Syria, but we are not told how it was collected.[37] On the other hand, Cicero tells us that the Judaean *gens* had been farmed out to contracts (*elocata*); the universality of *gens* here and the fact that it is juxtaposed with *victa* and *serva* suggest that the contracts in question were for more than just *portoria*.[38] This is surely a sign of a land, poll or tithe tax. It is clear from one passage of *De Provinciis Consularibus* that publicans were making *pactiones* with Syrian and Judaean communities.[39] And on the basis of Cicero's Cilician evidence, we know that communities (*populi*) in that province were paying sums to *publicani* based on *pactiones*.[40] Finally, Metellus Scipio demands from *publicani* in Syria (and perhaps Cilicia) two years of money which they owed, as well as a third in

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[35] Cic. *Att*. 6.2.5. In this case, a city had not paid anything for some years.

[36] Badian 1972: 99 n. 85; Lintott 1993: 79.

[37] Supra n. 22.

[38] Cic. *Flac.* 69.

[39] Cic. *De Prov Cons.* 10.

[40] The best evidence is at *Att.* 6.2.5 and 5.13.1.

credit.[41] For *publicani* to owe large sums to the state, they were presumably purchasing contracts to collect revenues, and given the presence of *pactiones* in Cilicia, Syria and Judaea just cited, it seems likely that contractors were collecting some kind of direct tribute in the Eastern Mediterranean.[42] At the end of the Republic, then, it seems likely that most of the East had taxes – whether poll taxes, fixed taxes on property or variable harvest taxes – collected by Italian contractors.

It is also uncertain whether agricultural taxes in the East were being collected in cash or in kind.[43] A passage of Josephus has Caesar remit one *koros* or ten Attic *medimnoi* – both measures of grain – from Judaea's tribute: the use of a unit in kind strongly suggests that the tribute was not reckoned in coin, and probably not paid in it either.[44] More conclusive evidence, however, can be called upon. Certain provisions of the Asian customs law suggest that, at least down to the time of the law's drafting in 75, tax farmers were in the business of collecting the tax in kind. At line 72, exemption from customs tax is given to *publicani* with respect to the 10% of harvested grain or 20% of oil and wine which was their due.[45] The explicit mention of the *publicanus'* conveying of agricultural produce strongly implies that taxes were being collected in kind. A similar exemption in the *lex Antonia de Termessibus* might support this, though it refers only to

[41] Caes. *B.C.* 3.31.

[42] Whether this necessarily involved *censoria locatio* is uncertain. In favour of it, see the dichotomy of fixed tribute and *censoria locatio* at n. 15, leaving no third possibility.

[43] In this I largely follow the arguments of Nicolet 2000: 287-92, 362-3, though he cannot be followed on everything: see the commentary in Cottier 2008: esp. ll 72-4. See also Erdkamp 2005: 219-20. For the opposite view, see esp. the summary at Merola 2001: 105.

[44] Jos. *J.A.* 14.201.

[45] The passages are devilishly unclear. See the commentary at Cottier 2008: 127-31, which summarises the scholarship and presents the best – if highly imperfect – case so far.

*vectigalia*, and this need not exclude coinage.[46] The chief advantage of collections in cash would have been the convenience, but a case can be made that collections in kind offered pragmatic advantages of their own kind. Badian and Rathbone have argued that contracts for tax collection and army supply would have been bought by the same bidders. If this were the case, collection in kind allowed contractors to acquire grain at harvest time, before selling it and supplying it to soldiers in turn.[47] They would then owe the state a certain amount for the right to collect taxes, but would be owed another amount of sesterces for the task of supplying the army. The chief advantage of holding both would have been that the contractors could deduct their fee for the supply contract from the amount they owed for the tax contract, effectively reducing the total funds that had to be transferred to and from the treasury. This is actually quite a likely scenario; any company with volumes of capital (in cash or agricultural produce) near the provincial armies had a competitive advantage, and so could outbid rivals for supply contracts. One more piece of circumstantial evidence may be cited. A set of laws regulating the collection of customs dues in Asia between 75 B.C. and A.D. 62 was found inscribed on stone at Ephesus, subsequently known (and referred to in this dissertation) as the Asian tax law or the *monumentum Ephesenum.* According to line 100 of this inscription, whoever bought the contract for collecting taxes did not have to pay the annual instalment for it until October, a remarkably late date in the agricultural cycle. As will be discussed in the next chapter, this undermines one of the usual rationales of tax farming, which is to receive revenues up front and ahead of the actual business of collection. Delaying the transaction until late in the year, however, offered one very practical advantage; it allowed the contractors to

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[46] Crawford 1996: no. 19 col. 2 ll 33-6. See also the discussion at Broughton 1938: 540.

[47] Badian 1972: 36-7 and Rathbone 2003: 159.

perform the tasks of both sets of contracts, before reckoning the balance of payments and the total sum owed to the state.[48] October was late enough that the demands and supply costs of the campaigning season would be well known, but the sailing season would still be open.[49] In other words, the publicans' access to grain reduced the costs of supplying the army, which made it more likely that the one company would hold contracts for both tax farming and logistics. This in turn eased the transfer of funds through which the contracts for tax collection were purchased, because instead of effecting two large transactions with two separate companies, the treasury just had to deal with the balance between contracts and with just one company. This may also go some way toward explaining the phrase *ex Asia in Asiam* [*im*]*portabitur* [*exportabitur*] at line 72, since contractors would be moving grain from collection to legion.[50] If tax farmers did collect taxes in kind, then the presence of the *publicani* went far beyond their role in taxation, since they annually possessed around 10% of the grain supply, 20% of the oil and wine supply, and thus could flex their muscles in various markets.[51]

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[48] For the October payment date: Corbier 2008: 219-20; Lintott 1993: 90.

[49] This view is largely in line with that of Nicolet 2000: 286-7. The *lex de provinciis praetoriis* supports this theory. At Crawford 1996 no. 12 Cnidos copy col. 2 ll 28-31, the consuls seem to be ordered to report how much grain they needed for their army each season so that an appropriate contract could be let. Once the senate knew how much grain was required, it could let out a contract, which nearby *publicani* would likely win because of their proximity and supply of convenient produce. The sum could then be deducted from the amount due for the tax farming contract.

[50] On the meaning of this phrase, see Cottier 2008: 129-30. On the likelihood that companies bought both provisioning and tax collection contracts, see Badian 1972: 36-7 and Rathbone 2003: 159.

[51] Remembering that these percentages are for overall supply, including subsistence, and not just for marketable commodities. Broughton 1938: 540: "The collection of a tithe in kind placed the publicans in the business of handling, transporting and selling natural products, to facilitate which they probably demanded and received privileges, such as immunity from local and provincial customs dues, and free access to markets even in allied cities." It is unclear how much transportation was the responsibility of the community, and the *lex portorii Asiae* may suggest that communities had to move the tax to fixed hubs before it was picked up by *publicani* (Cottier 2008: 130-1). See Lintott 1993: 76 for transportation in the Sicilian context.

There was, then, a wide variety of collection methods, but none involved the interaction of state agents with a broad spectrum of the population. The collection of *tributum* from citizens, even before its abolition, was probably left to *tribuni aerarii*. In Sicily, each taxpayer dealt with a tax farmer who had bought the right to collect a tithe of his harvest. In Spain and Macedonia, the leaders of a community seem to have interacted with a quaestor on behalf of the whole population. In Africa and the East, farmers initially handed a part of their harvest over to Italian contractors, and perhaps later organised for each city to deal collectively with the *publicani*. Again and again, Rome found new ways to shift the burden of administration onto other parties, whether the leaders of local communities or, as in the most lucrative provinces, tax farmers. The contractor became more and more a part of the Empire as it grew.

As well as being central to the collection of some direct taxes, these *publicani* were particularly embedded in the collection of tolls and customs dues, and the system was probably an early one. After 241, Roman *publicani* were collecting the *portoria* and fees for pasture (*scriptura*) in Sicily, despite playing no role in the tithe collection,[52] and at least by 199 the contracts for collecting tolls at Capua and Puteoli were being sold in Rome.[53] As the Empire grew, contracts to collect tolls and rents in subject cities were let so widely that the right to collect one's own tolls was a sign of friendship with Rome.[54] Unless visitors came upon one of these privileged communities, however, they would

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[52] Rents: Cic. II.*Verr*. III.13. *Scriptura*: Cic. II.*Verr.* II.169, where L. Carpinatius runs the *scriptura* of the entire island *pro magistratu*. Scramuzza 1937: 238

[53] Livy 32.7.3.

[54] See the case of Ambracia at Livy 38.44.4, or the *lex Antonia de Termesibus*, *ll*.32-6. See also the comments at Purcell 2005: 216 on taxation as defining status.

have to interact with Italian contractors at every harbour and port. The contractor – not the state agent – was the everyday face of Roman dominion.

*Other Revenues*

Revenues were not entirely dependent on taxes and tribute, however, because Rome was the owner of immense and lucrative property. Rents and fees charged for the use of this property made up a major part of the treasury's receipts. In these cases, tenants, fisherman, loggers and miners could not make a living without purchasing the right to exploit Rome's land, forests, seas and mines. Their bargaining position was low, because it was clear what they received in return for their payments and they could not ply their trades without them. Monitoring was relatively easy, transaction costs were low, and revenues – especially from the mines – could be orders of magnitude beyond anything Rome had seen within Latium. We will begin with *ager publicus* before moving to other profitable assets.

As Rome expanded, she inherited or seized large tracts of land, much of which would be declared public property. Tenants could pay rents and contractors could purchase the right to collect *scriptura*.[55] Fertile areas of Sicily – in particular, the *ager Leontinus* – had been confiscated and leased out by censors, and much the same could

[55] If they are on the land over the long term it can be difficult and perhaps meaningless to distinguish between rents and agricultural taxes. For example, see the *ager privatus vectigalisque* at *Tab. Bemb*. 79, combining the notions of both, with Haywood 1938: 4, Schulz 1993: 216 and Lintott 1992: 53, 260-1, as well as the African land not distributed to locals but rented by foreigners at *Tab Bemb*. 83. For Achaea, Macedonia and Bithynia: Cic. *De Leg. Agr.* 1.5-6.

probably be said for parts of North Africa.[56] In Asia, a regular system of taxation was not established until 123, ten years after Rome inherited the kingdom of Attalus III, yet contractors seem to have been collecting rents on formerly royal (but now public) land as early as 129.[57] The best evidence for public land in the provinces, however, comes from Cicero's second speech *De Lege Agraria*, in which he lists vast swaths of provincial land yielding rents to the treasury and supposedly about to be lost under the proposed law: Cicero's rhetorical eye is cast from the formerly royal lands of Bithynia on the Black Sea coast of Asia Minor, through Macedonia, North Africa and all the way to Spain.[58] The Romans had, therefore, become the landlords of royal estates and whatever other patches of earth they chose, no doubt some of the Mediterranean's best agricultural land. Across them were spread contractors collecting fees and rents. Once again, the state outsourced the administration of these revenues and kept its footprint light.

There were yet other revenues, however, for which there was little need for contracting. After the abolition of *portoria*, and in case the Campanian lands were distributed, Cicero saw the 5% tax on manumission as the only local revenue source to survive.[59] Its proceeds were kept in a reserve fund only to be used in emergencies.[60] Government received rents for the use of fisheries,[61] gardens,[62] some retail property,[63]

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[56] The sources are collected at Hayward 1938: 4-6 and Lintott 1993: 71, 74. For a more narrative version, see Finley 1979: 130.

[57] Assuming that the *senatus consultum* preserved as Sherk 12 dates from 129. The point that *publicani* are probably collecting rents from the old royal lands is important, because it allows for the presence of *publicani* before the establishment of a tax farming system in 123: see Badian 1972: 60.

[58] Cic. *De Leg. Agr*. 2.50-1.

[59] Cic. *Att.* 2.16.1.

[60] The tax was instituted in 357. See Livy 7.16.7-8, with Oakley's note. A necessarily brief description is given at Frank 1933: 37.

[61] Strabo 7.6.2; 14.1.26.

[62] Polybius 6.17.3.

and forests for pitch.[64] It is unclear how profitable these were, and some others were certainly not worth much: magistrates, for example, could earn healthy revenues from fines, but these seldom aided the treasury and were most commonly spent on monuments like temples or porticoes to commemorate the magistracy.[65] Government also took on monopolies in products like salt, but these were probably more to ensure the supply of a vital commodity than to raise revenues.[66]

One commodity, however, was both lucrative and in need of a guaranteed supply. As the Romans acquired new provinces, they dramatically increased their access to metals, which were in turn smelted at unprecedented levels for coins, weapons, tools, and almost every other type of manufacture.[67] Mining, however, was a costly and large-scale endeavour. Although the general consensus is that contractors bought the rights to mine, the evidence suggests that, at least until their privatization, mines were directly managed by the governor's staff without contracts – a rare example of direct state administration.[68] Livy tells us that the elder Cato implemented some system for exploiting the mines, and various scholars have assumed that this refers to the leasing of mines to large companies

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[63] *Dig.* 18.1.32 gives provisions for such leases; Livy 40.51.5 (assuming *vendidit* can here be translated as "leased").

[64] The Silva Sila, for example: Cic. *Brut.* 85; Strabo 6.1.9; Pliny *N.H.* 3.74, Dion. Hal. 20.15.2, where the government earns *prosodous* from the contracts there.

[65] Livy 10.23.11-2; 31.50.2; 33.42.10; 35.10.2.

[66] Pliny *N.H.* 32.89. Livy 2.9.6 believed that the salt trade was 'nationalised' as early as 508, and Ogilvy 1965: 257 suggests that the invasion of Porsenna and the Latin War may have forced archaic Rome's hand by threatening the supply from Ostia. Livy 29.37.6 details the reform of M. Livius Salinator, by which contracts were let for the sale of salt at a fixed price in Rome, with higher prices beyond the city. Livy explicitly refers to it as a source of *vectigal*, and claims that the *plebs* saw it as a vindictive move against them by the censor. Pliny found it believable that the kings of India made more money from their control of salt than from pearls and gold (*N.H.* 31.77). Frank 1933: 140 was suitably unimpressed with the Romans' monopoly: "we can hardly assume a profit to the state." He adds evidence for an additional salt tax in Sardinia.

[67] Kehoe 2008: 547-8.

[68] The date is controversial, though Domergue 1990: 233-4 makes a strong case for the triumviral period.

of miners.[69] But the passage – quite likely a fragment of Cato himself – refers to the state's revenues growing "daily".[70] Assuming that the passage of Livy at least derives from Cato, we have an unimpeachable source that the province's mining revenue varied (or, more accurately, increased) on a daily basis, which must surely rule out any large contract of fixed duration.[71] Polybius also used the same odd system of reckoning when he reports that the mines outside New Carthage not only "employed" 40 000 workers, but yielded 25 000 drachmas *per day* to the *demos*.[72] It seems most likely, therefore, that a representative of the governor was on hand at the mine to charge the miners for the extraction of ore. This kind of day-by-day system would explain the expressions in both Livy and Polybius, would rule out a contracting system and also finds oblique attestation in an imperial *epistula* to mining procurator in the reign of Hadrian. Often associated with the *lex metalli Vipascensis*, the letter allows for an abandoned mine shaft to be occupied by anyone who wished, for which they would pay the fisc 50% of all ore mined.[73] This system, though existing within an overall framework of leases, proves at the very least that the Romans had some experience of a 'pay-as-you-go' mining adminstration. As a smaller comparandum, Diodorus writes of mines on Elba, in which independent iron miners sell their finds to merchants on the spot, and a private trade in

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[69] Livy 34.21.7. Badian 1972: 31 and Brunt 1988: 150; 1990: 396-8, for example, assume the use of contracting. My view revives that of Richardson 1976: 145-7; Richardson 1986: 120-1. A convenient summary of scholarship is provided at Domergue 1990: 242. Mateo 2003: 123-4 has argued for a more flexible system in which different mines were run under different systems depending on circumstance.

[70] Livy 34.21.7: *in dies* (see *O.L.D. s.v. dies* 3.b.). This passage is oddly neglected by Richardson, whose case it supports.

[71] Domergue 1990: 247-8, 250-2 talks of proper *leges censoriae*. Cf. Mateo 2003: 124, arguing for variety between areas and mines.

[72] Strabo III.2.10: καθ' ἑκάστην ἡμέραν. The total works out at 36.5 million sesterces per year. Cf. Domergue 1990: 367-72, where the figure's accuracy is denied.

[73] *FIRA* 1.104 ll 11-2. The *lex metalli Vipascensis* can be found at *ILS* 6891.

metals takes them to Puteoli.[74] There was presumably some collector of fees on the island, and this is exactly the structure being posited for the early Spanish mines.[75] Perhaps its origin was in the collection of *scriptura*, or pasture tax, in which a tax collector – admittedly a contractor, in this case – charged drovers fees for the use of a given area of pasture.[76] This kind of open access would also explain the simultaneous existence of ingots inscribed with the names of individuals and ingots inscribed with the names of *societates*, since, without contracts for exclusive right, both kinds of party could work side by side.[77] Scholars have also pointed to the decision to close the Macedonian mines in 167, in which the senate oddly chose not to issue contracts to exploit the lucrative silver reserves just acquired from Perseus. This apparently showed that the Romans could conceive of no way to operate them other than through contractors, but again the evidence suggests otherwise.[78] Livy, while explaining that *publicani* could not be trusted in Macedonia, tells us that the iron and copper mines remained open. In his explanation of the administration, however, he surely closes the door on any possibility that contracts were let for their operation: *vectigal exercentibus dimidium eius impositum*

[74] Diod. Sic. V.13.1-2.

[75] Contra Brunt 1990: 394. The fact that this is an iron mine may set it apart: See Livy 45.29.11, where the Macedonian silver mines are closed, but the iron ones remain open, apparently without fear of *publicani*. Cf. Domergue 1990: 243.

[76] Brunt 1990: 394.

[77] Richardson 1976: 146; Domergue 1990: 253-68, esp. 254-7; Mateo 2003: 124-5. Assuming that large operators produced large hauls, we should expect a large percentage of ingots with the names of *societates*, so it remains odd that so few of the ingots found are inscribed with the title of a *societas*. Open access to mines would in no way limit the operations of large companies, who were still needed for the greatest mines. Brunt 1988: 150 argues that some experience with *publicani* must have been behind the decision to close the Macedonian mines in 167, but he goes too far when he claims that the experience must have been specifically in regards to mining, and Badian's reconstruction of the decision makes sense on the grounds of domestic concerns (Badian 1972: 40-3).

[78] E.g. Brunt 1988: 150; Domergue 1990: 248.

*quod pependissent regi.*[79] It makes no sense that the Romans would halve the price of contracts, since this would defeat the purpose of bidding, and it surely reflects a system in which they collected a set percentage or fee on a regular basis. If this system was adopted in Macedonia in 167, an independent land without any Roman government, it was surely even more likely in Roman Spain, where some (albeit scant) form of staff existed to collect payment.[80] Contracting, then, was probably not a major theme in the lucrative world of Roman mining, and the mines themselves were eventually privatised.[81]

In other words, then, the evidence suggests that contracting was not employed in operating mines. This may have been because the administrative demands were already low, or because private businessmen could still make fortunes as direct operators. Cato might have felt that there were not enough Italian businessmen or enough Italian capital available in 194 to sustain a contracting system. The point remains in any case that, in this particular source of revenue, the state appears to have sent one or more of its own agents to collect its profits.

The same can be said for the single most significant set of public revenues, which were military indemnities from people outside the provinces.[82] This was the great fiscal

[79] Livy 45.29.11: "On those working [the mines], a tax was imposed worth half that which they had paid to the king."

[80] One further argument can be produced. If we take Polybius' figure above of 25 000 drachmas per day as an indication of scale (contra Domergue 1990: 367-72, who rejects the figure, but cautiously denies any way of calculating a better one), then the treasury was earning - and a contractor would therefore be paying- over 180 million sesterces per quinquennial contract. Even if we reduce the figure by a third, we are still left with a total of over around 25 million sesterces per year. Was any number of investors capable of fronting such sums when the system was set up? Consider that Scipio Africanus was at this time worth around 4.8 million sesterces (Shatzman 1975: 246-8).

[81] Supra n. 68.

[82] Indemnities: 242, of course, saw the establishment of the Carthaginian indemnity of 2200 talents (Polyb. 1.62.9), soon increased to 3200 talents (Polyb. 1.63.3), and this was just the beginning. See Frank 1933: 141, who- for what it is worth- estimated a total revenue from indemnities between the years 200 and 157 at 152.1 million denarii. For peoples outside the provinces, see the forced payments of the Dardani to the

boon of military success, a stream of rich revenues, without any burden of collection and from a source which was in no position to protest. For half a century and beyond, war turned a profit. Just in the thirteen years from Zama to Magnesia, the Romans imposed an indemnity of 10 000 talents on Hannibal's Carthaginians to be paid over fifty years, 1000 talents on Philip V to be paid over ten years, 500 talents on Nabis to be paid over eight years, 15 000 talents on Antiochus III to be paid over twelve years and 500 talents the Aetolians to be paid over six years. To these we may add the rich haul of booty not only from these wars but from those in Spain.[83] The distribution of booty was entirely at the whim of the commander who won it, and if he chose to give a meagre share to the treasury, that was his right.[84] Again, however, these revenues were either windfalls in the form of booty, or were administered by conquered foes in the case of indemnities, and the Roman state had little to do with their collection. Payments of the Carthaginian indemnity appear not even to have been examined by the Romans until they arrived in Rome itself.[85]

The scale of mining and indemnity revenues allowed a different approach to taxation. Combined with the sheer magnitude of other taxes, these kinds of free bounties meant that Rome could employ inefficient, undemanding methods of tax collection in the provinces, and to abandon it altogether in Italy. This had two major consequences: on the one hand, it allowed Rome's rulers to abandon the usual goal of profit maximisation, since they could fund most of what they needed without the political and administrative demands of chasing every sestertius; on the other hand, profits from mining and

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elder Curio at Sallust *Hist*. 2.60 McGush., with Amm. Marc. 29.5.22 for lurid details. Cf also Kallet-Marx 1993: 297.

**83** The evidence for indemnities and booty in this period is collected at Frank 1933: 127-35.

84 Shatzman: 1972; Flaig 2003: 40-1; Bringmann 2007: 131-2.

85 Livy 32.2.1.

indemnities allowed the regime to access resources without having to gain taxpayers' consent or even to engage with them in any meaningful way. Easy revenues therefore transformed the ways in which state agents and population interacted. Rulers could siphon off more and more of the Empire's abundant profits, knowing that the treasury was still in relatively good health. As their estates grew richer, they came to control more economic resources, and people had to come to them if they wanted a slice. Far from being able to withhold resources – which is an empowering tactic under most tax systems – the population of the Roman Republic had to somehow *earn* access to them. This reversal of dependency resulted in meagre accountability on the part of rulers, and therefore transformed their mode of leadership.

The focus of this chapter has been solely on revenues destined for the treasury. When it comes to the total transfer of wealth from the provinces to Italy, however, we will see that such transfers were just the tip of the iceberg, and the focus in the next chapters will turn to the ways in which the Roman elite privatised the bulk of this wealth to the benefit of their own private estates and to the detriment of the treasury. That decentralisation of resources was, it will be argued, reflected in, enabled by and defined by methods of tax collection. In so much of history, new public revenues brought about a boom in the state's administrative capacities and its footprint within society. The former was needed to measure wealth and to extract it efficiently, the latter was a consequence of increased expenditure on new programs and of the need to convince taxpayers that their taxes were being put to beneficial use.

The development of Roman tax collection, on the other hand, illustrates a kind of state stagnation. With a bounty of resources on offer, the Romans again and again chose methods of collection which placed minimal demands on the administrative capacities of the state. The two dominant methods adopted were the resort to contracting and the empowerment of local communities to manage the collection themselves, and the next two chapters will deal with each of those two methods in turn.[86] They will ask why these courses were chosen, what effects their adoption had on the development of the state, and how different people adjusted to the situations in their own parts of the Mediterranean. Taxation necessarily involves interactions and interventions, as resources are demanded by one party from another, and as agents shuttle themselves and the state's revenues between centre and periphery. It therefore constructs or maintains hierarchies, creates networks, defines the boundaries between the taxing and the taxed. It demands complex and specialised knowledge from those who manage it, but goes on to reward them by making them indispensible to all who pay or receive taxes. More than anything, it transfers wealth, and the remainder of this dissertation will examine how the Roman aristocracy managed the revenue system in ways which most benefitted themselves and what effect this had on Rome as a whole.

[86] Wolters 2007: 420 stresses that the two often coexisted, with contractors relying on local communities to perform many of the individual acts of collection.

# Chapter Two

## The Use and Abuse of Tax Farming

Tax farming has been a common tactic for many states at many times and in many places.[1] It is a method of collection in which private contractors purchase from a government the right to collect and retain a specified tax in a specified area, generating a profit so long as the tax farmers are able to raise a sum greater than that which they paid for their contract. It has proved attractive to regimes which lack the public capital to set up a tax system, which admire the stability of its payments to the treasury and which are daunted by the impracticality of operating a public bureaucracy.[2] Some may also be drawn to the sale of tax collection as a way to manage elite relations, or as a way to encourage wealthy contractors to invest their own money to improve the health of the tax base. For some low capacity regimes, tax farming may simply be more profitable.[3] Yet Rome took to contracting with unusual zeal, and several notable features of their practices require explanation. Whereas, for example, numerous states have employed contractors to collect indirect taxes, tolls and customs dues, the Romans took the unusual step of issuing contracts for the collection of direct taxes.[4] The abnormal pervasiveness of

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[1] See Copland & Godley 1993: 45 and Barkey 2008: 229 for references to various case studies.

[2] Weber 1978: 965ff; Jones 1974: 151-85; Webber & Wildavsky 1986: 133; Levi 1988: 78-85; Barkey 2008: 230-2.

[3] Butcher 1993: 23, 26; Copland & Godley 1993: 57-9, 60-3, 66. See also Levi 1988: 82.

[4] Evidence for indirect taxes is not lacking. Capua: Livy 32.7.3. Sicily: Cic. II Verr. 2.171; 185. Gaul: Cic. Font. 19-20. The fact that M. Fonteius could so quickly set up multiple duties on wine strongly suggests that cities had a system for collecting *portorium* already in place. Moreover, the men who collected the duties had Roman names, and were presumably either *publicani* or working for *publicani*. Greece: M. Lepidus' push for Ambracia to be allowed to collect its own *terra marique portoria* at Livy 38.44.4 presupposes that Romans were otherwise to collect them. Asia: Cic. *Att.* XI.10.1. The decree at Sherk 1969*:* no. 12 suggests that Roman magistrates were letting out contracts for the collection of some kind of

Roman contracting is indicative of the zeal with which they took to this method of governing.

Tax farmers in most cases have been kept away from direct taxes for three main reasons.[5] Most obviously, profit-motivated tax collectors are liable to do incredible damage to the long-term productivity of agriculture if they press farmers too hard. Beyond that, contracting offers its most obvious advantages with respect to taxes that are highly unpredictable, making a pre-determined lump sum attractive to leaders who want to forecast revenue. Agriculture, however, is relatively predictable. There will certainly be failed seasons, but the trend over the medium-term is generally both stable and well-recorded. In a similar vein, the profit motive motivates contractors to perform their jobs thoroughly even when measuring and collecting are difficult. Salaried government agents, on the other hand, have little incentive to squeeze more tax revenue out of their posts since they do not see their own pay increase with each new transaction. Customs dues, for example, demand rigorous and laborious inspection of cargoes and traffic. Taxable agricultural commodities, on the other hand, cannot as easily be disguised or moved. The crop must sit in the field or on the vine for some time, and farmers need to bring their harvest to fixed locations like the press or the threshing floor. The tax collector, therefore, needs far less motivation to monitor and collect a direct, agricultural tax, depriving the tax farmer of one his advantages. Contractors are also less likely to be corrupt, since they can only defraud themselves; state agents, on the other hand, have

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revenue in Asia as early as 129. Cilicia: Cic. *Att.* V.15.4. Syria: Cic. *De Prov. Cons.* 10. See also Badian 1972: 61-2.

[5] See, most notably, Weber 1978: 965; Levi 1988: 29-33; Kiser & Kane 2007: 195.

every incentive to demand bribes in place of taxes because while the latter belongs to the state, the former goes into their own pockets.

Yet none of these reasons was enough to deter the Romans from embracing tax farming. Their unusual vigour poses problems. What was it that made the farming of direct taxes so anomalously appealing to the rulers of the Roman Republic? Did technology – either financial or governmental – forbid any other system? Did the tax farmers have too much power for anyone to curb their reach? Were the political and economic incentives at Rome different from those elsewhere? In this chapter, I will argue that the Roman state was perfectly capable of replacing tax farmers, and would go on to do so when it suited them – or, more specifically, suited Caesar. Far from being beholden to the technological or political capacities of the contractors, Rome's rulers had firm control of the situation but chose to persevere with tax farming because it suited their own economic and political interests. I will argue in this chapter that tax farming allowed the employment of professional expertise without excessive intellectual or administrative demands being placed on magistrates or their staffs. Most importantly, perhaps, it responded to the economic incentives to decentralise resources from the state into society, and by capping the state's share of revenues at an auction price, it even limited the extent to which the treasury could profit from Empire. Tax farming, therefore, conformed to the most basic economic and political goals of the Roman aristocracy: it enabled them to grow ever wealthier and it reinforced them in their position of political and social dominance. To make this case, I will identify a set of political and economic incentives at play in Roman aristocratic society, before demonstrating the correlation between those incentives and the forms of Roman tax collection eventually adopted.

From that correlation I will conclude that the adoption of such extensive tax farming was indeed a result of these incentives. As a first step, however, I will begin with a characterisation of Roman tax farming.

*A Comparative Perspective*

Tax farming is not in itself to be defined as harsh or lax, oppressive or mild. Its characterisation depends entirely on the forms which it adopts in each circumstance.[6] If we place various tax farms along a spectrum whose end on one side is a strong relative bargaining position for the state, and whose other extreme is a strong relative bargaining position for the tax farmers, we can polarise two ideal types of tax farming.[7] Weak tax farmers are those who:

- have to compete with others to win contracts
- have to provide substantial security
- are bound by various regulations
- deal with a state both willing and able to enforce regulations
- are reliant on the state for coercion
- enjoy short durations of contract

Strong tax farmers are those who:

[6] Copland & Godley 1993: 67, where the focus is laid on "the *type* of farming arrangement employed and the *quality* of its management."

[7] Most of the following features are taken from Butcher 1993: 19-20, though I have added the presence of coercive means and the duration of contract.

- do not compete with others for contracts
- provide little or no security to ensure the fulfilment of their obligations
- are bound by minor regulations if any
- contract with a state incapable of enforcing its own regulations
- have easy access to coercive means
- enjoy long durations of contract.

Cases need not cling to one pole or the other. The Ottoman *malikane* system, for instance, reveals the extent to which the ideal types above are indeed ideals. From 1695, these tax farms were saleable, granted to elites for life and could in certain circumstances be run harshly; on the other hand, they were the subject of competitive bidding, involved a down-payment and an annual rent as well as certain legal obligations.[8]

It has been easy to malign *publicani* and to stress their aggression in taxing unassuming inhabitants in cities throughout the Mediterranean.[9] I have no plans to focus on the virtue or vices of their conduct, but will in this section try to elucidate the extent to which the state had a firm hold on its contractors. Since there is no unit of measure for this, a comparative approach is the only one possible, essentially asking whether and in what ways Roman tax farmers were more or less constrained than tax farmers in other

[8] Barkey 2008: 232. Also Copland & Godley 2003: 63, citing a rescript of 1839: 'the civil and financial administration of a locality is delivered to the passions of a single man; that is to say, sometimes to the iron grasp of the most violent and avaricious passions, for if the contractor is not a good man he will only look to his own advantage.'

[9] Badian begins his very sympathetic *Publicans and Sinners* by explaining away disparaging references from the Bible, from Livy and from Cicero (Badian 172: 11-2). The reputation lingers, nonetheless, and Badian concedes on p. 13 that "there would be few more pointless exercises than to try to whiten the reputation of those proverbial black sheep."

historical cases. The lists above provide the criteria for the comparison. Despite some very real limitations, I will argue that the Roman state was not as weak as some might assume, and that Roman contractors were relatively constrained in the terms of their operations. I will consider the most basic limitations of the state's control first.

The most obvious limit on the power of the Roman state was in its ability to enforce its regulations. Aside from the lack of state agents available to monitor and pressure contractors, the imperial centre lacked the communications technology to remain in contact with events on the peripheries. Even when the communications system succeeded, as when Quintus Cicero referred a dispute over *portoria* to the senate in the winter of 60-59, political calculation could lead a senator to support the *publicani* in defiance of his own legal opinion.[10] Perhaps the most overt undermining of provincials' security was in the opposition to the attempted expansion of the *lex Julia de repetundis* to cover prefects, scribes and companions of magistrates.[11] Thus, although state-control was not entirely absent, the weakness in all of this well-constructed regulation was its limited implementation: 'The great demerit of Republican law was indeed that it was not enforced.'[12] Much of this depended on the governor, both in his probity and his abilities,

[10] Cic. *Att*. II.16.4. It is worth noting that the dispute seems to have been between Roman tax collectors and Roman merchants, all of whom were *cives*. Cf Brunt 1988: 171 n. 97. Cicero also supported the tax farmers against his better judgement in 61-59, summing up their position as *invidiosa res, turpis postulatio et confessio temeritatis* (Cic. *Att*. 1.17.9). On the speed of ancient communications, see the summary with references at Ando 2000: 121-2.

[11] Cic. *Rab. Post.* 13. The senate opposed such reform. See Schulz 1997: 173-4, 197-9 for the use of private individuals bestowed with official capacities to get around regulation of the magistrate himself.

[12] Brunt 1990: 62. See also Pulliam 1924: 548 and Hopkins 1978: 39-44. The variety of different tax systems in the Empire made it difficult to monitor the behaviour of collectors, and this made corruption easier: Wolters 2007: 408-9. The situation did not improve in the Empire as much as is sometimes thought (despite Tac. *Ann* 1.2.2): to the already cited work of Brunt, we can add Levick 1994.

but neither could be depended on in every case.[13] Badian is right to assert that the governor had the primary entitlement to rent seeking, and it was no doubt true that the profiteering of publicans was often subordinated to that of the governor. But equally dangerous was a governor who was in the pocket of the contractors or who colluded with them; it was only when Verres and the *publicani* began to work together that the pillaging of Sicily attained its ultimate efficiency.[14]

The effect of these day-to-day realities should not, however, be overstated. The Roman state did, in fact, find ways to compensate for its limitations, and measured in terms of the criteria above, it emerges with a respectable bargaining position. If the abuses of *publicani* were discovered, real action could be taken and we should be careful not to deprive all senators of the will to oppose contractors; governors like Q. Scaevola cos. 95 or A. Gabinius cos. 58 were far from lenient on *publicani*, and the latter was viciously attacked by them upon his return to Rome.[15] Moreover, decisions against the *publicani* are well known and we have no reason to think they were not enforced. Almost certainly within four years of Attalus III's bequest, the senate set a stern tone by finding against the *publicani* in a dispute with Pergamum over boundaries.[16] They then outlawed the enslavement of allies after the horrifying testimony of Nicomedes III that he could not

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[13] Badian 1972: 110-5 argues that the participation of senators in public contracts effectively ended successful regulation of *publicani* since magistrates were now involved in the profit motive. Cf. Levi 1988: 91. See the discussion below.

[14] Badian 1972: 80.

[15] Scaevola: See *MRR II*: 7 for references, with Broughton 1938: 535-6 and Badian 1972: 89. Gabinius: See Cic. *De Prov. Cons.* 9-14; *Pis*. 41; *Sest*. 71, with Braund 1983.

[16] Sherk 1969: no. 12. Badian points out that we do not actually know what revenues the *publicani* were collecting at this early stage.

send military aid because all of his subjects were owned by the *publicani*.[17] Temples were particularly capable of swaying the senate in disputes with contractors, as when the consuls of 73 found in favour of the Temple of Amphiaraus at Oropus,[18] and if a delegation played the right game, it could even rouse the *populus* itself in its cause.[19] Obviously, each of these cases referred to *post factum* decisions subject to the vagaries of ancient transportation technology, and their attestation no doubt points to a far larger body of unattested offences. The point remains, however, that contractors could not be certain that their deeds would go unnoticed or unpunished, and they constantly had to weigh that risk against any prospective reward.

In fact, few states have ever been able to monitor their contractors effectively. To employ cohorts of agents to inspect the conduct of contractors would entail the very costs and administrative demands which contracting was supposed to avoid. Butcher notes that a state's ability to enforce regulations could vary over time; in some cases, as in South-East Asian states, the profits of private collection eventually strengthened government capacity to the point that more bureaucracy could be created and tax farming could be abolished altogether.[20] Pre- and early modern European collectors were often closer to military adventurers, who needed and were allowed coercive means to collect taxes from walled cities and resistant populations.[21] In this kind of situation, when taxpayers were resistant and fortified, contractors were employed for the very reason that they would use

[17] Diod. Sic. 36.3.1. See Kallet-Marx 1993: 139-41. It has to be acknowledged that this event is testimony to the horrors which *publicani* had gotten away with until that point.

[18] Sherk 1969: no. 23. See also the case of Artemis at Ephesis at Strabo 14.1.26. Additional cases are given at Broughton 1938: 535.

[19] See the case of the *Battaces* at Glew 1987.

[20] Butcher 1993: *passim*.

[21] Butcher 1993: 28-9.

force and impose themselves on subjects. To restrain them with strict regulation would defeat the purpose of employing them in the first place. The state willingly sanctioned violent tax farmers because there would be no revenues without force, but once the contractors were armed, it was easy for them to defy (or prevent the creation of) centralised rules, and their employers had little sway over them.[22]

Violence was also important for Bengalese *zamindars*, who were granted coercive means by the East India Company in 1799,[23] and elite Chinese tax farmers who employed arms in South-East Asian states during the nineteenth century.[24] In these cases, in which local elites were granted the contracts, tax farmers could take advantage of their pre-existing roles as 'local police' or magistrates. In effect, the state sanctioned their pre-existing role as local authorities in exchange for cooperation and a slice of their revenues; this was in part, however, a tacit acknowledgement by the state that it did not have the coercive means to remove the local heavies, and that the latter could continue behaving as they wished.[25] This ability to press compliance from taxpayers without the intervention of the state is a major distinction between different sets of tax farmers, and freedom to coerce tends to reflect a very strong bargaining position for the contractors.

In comparative terms, Roman contractors actually appear quite constrained. Enforcement was obviously imperfect, but all work by contractors was theoretically

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[22] Copland & Godley 1993: 62, citing a 1644 example in which the French crown even granted two companies of fusiliers to a group of *gabelleurs*.

[23] Bose 1993: 115

[24] Butcher 1993: 28 The importance of coercion to taxation is examined at Dick 1993: 5-6. Falling outside the strict definition of tax farming are those systems in which tax collection was carried out by groups who did not buy a contract with money, but who earned the right to collect in exchange for military service. Examples include the Arab *muqta* system and its descendents in the Mughal Empire and the Ottoman *tımar* system: see Copland & Godley 1993: 50, 64; Barkey 2008: 78, 89-90.

[25] Dick 1993: 5-6, with reference to Chinese tax farmers in much of 19th century South-East Asia. He points out that this arrangement was a compromise whereby the state accepted and sanctioned the power of local elites in return for revenue.

subject to inspection by magistrates without appeal.[26] The conduct of *publicani* was regulated by law, with contracts further subjected to the praetor's edict in each specific province and in at least some provinces to a *lex censoria*.[27] So, for example, although customs collectors had the right to inspect cargoes thoroughly, apparently even opening sealed correspondence, their coercive abilities were strictly defined.[28] If the collector conducted his inspection and felt that the declaration of the traveller was incomplete or that there was some kind of smuggling going on, he was permitted to seize goods only in certain circumstances (for example, the seizure of animals by collectors of the *scriptura* or the impounding of goods in preparation for legal action), but punishments for transgressions were clearly outlined.[29] In disputes, regulation stated that collection in any province had to favour the payer's claim, so that the demanding process of appeal was the responsibility of the collector.[30]

Coercion was more restricted for *publicani* than for most tax farmers in history. Not only did *publicani* have strict guidelines for the use and maintenance of coercive resources, direct taxation usually revolved around the creation of *pactiones,* or collective agreements between the contractor and an entire city; as a result, collection from individuals was usually conducted by locals, with the community then delivering a lump sum to contractors on behalf of all residents.[31] Realising that they could not monitor

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[26] Badian 1972: 71, 79.

[27] Brunt 1990: 358. See also Lintott 1993: 87.

[28] Inspection: De Laet 1947: 107; Plaut. *Trin*. 794-6; Plut. *Mor.* 518E. Lines 32-40 of the *Lex Portorii Asiae* give strict guidelines as to the location, size and placement of guardposts (*paraphylakai*).

[29] For details, see the admirably clear presentation at Brunt 1990: 358-9 with references.

[30] Cic. II.*Verr*. 3.26-7.

[31] The exception is in the case of Asia, probably down to the time of Pompey, where *publicani* collected directly from the farmers. See Broughton 1938: 535-8 for the standard account, and the possibility raised at

every transaction, then, Roman rulers created a system which reduced the sites of interaction to one per city and which enhanced the bargaining power of the taxpayers by allowing them to treat collectively with the *publicanus*.[32] It reduced the role of the tax farmer essentially to that of a distributor, picking up the tax payment as delivered by a city, and conveying it to markets.[33] In this sense, they were far less invasive than other collectors of direct taxes in history, or even than their peers who contracted for the collection of indirect taxes.

The most ghastly acts of *publicani* tended to come as part of their role as financiers. The intricacies of the contracting system in fact demanded that tax farmers also be creditors. Each year, *publicani* would go to their port or province and collect taxes in order to make money. At the end of the season, however, they also had to pay an annual instalment as part of the purchase of their contract. Regulation stated that, in the time between these two transactions – the collection of taxes and the payment for their contract – they were to pay interest on what they owed the treasury.[34] This was because the tax farmers were sitting on immense capital and could earn a profit by lending it out at interest. By demanding a share of those profits, however, they actually forced the

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Badian 1972: 99-100 (contra Lintott 1993: 79) that Pompey actually employed the same system throughout his settlement.

[32] Lintott 1993: 79 also points out that the clear separation of collection roles limited the likelihood that local and Roman collectors would dispute borders or jurisdictions. Infra n. 77 for examples of such disputes.

[33] Grain taxes may even have involved the transport of the tithe by the community to a specified location, which would have removed *publicani* from any need to visit the taxpaying city. See the discussion at Cottier 2008: 130-1. The same benefits would apply to the Spanish and African *stipendium*, if indeed their taxes were delivered by the taxpayers to *publicani.* This, however, remains unclear, despite *ILS* 901, recording a *publicanus* involved in the collection of African taxes: *Fonteio Q. f. q. mancup. Stipend. Ex Africa*. See Brunt 1990: 377 and Lintott: 77.

[34] Cic. *Verr*. 3.169. Levi 1988: 10. The practice of reinvesting tax profits before payment to the government was still being denounced in France by the great Scottish financial wizard John Law as late as the eighteenth century (Bonney 1999: 8-9).

contractors into money lending, since they would definitely be charged interest in any case. Knowing that their money was depreciating through interest, they had to invest it just in order to break even. It was in this role, as creditors, that the most destructive situations arose. If a city was compelled to take a loan from its tax collectors in lieu of payment, its ordeal was likely to worsen, since the collection of debt was less regulated than the collection of tax. The former became renowned as a horrifying practice.[35] Once the loan had matured, a city could be crippled, and the governor could be pressured (or paid) to hand over military units to help collect the debt.[36] Alternatively, legates could be appointed by a governor to oversee such financial activities.[37] The difference between the horrors of tax collection and debt collection, however, demonstrates just how regulated the former in fact was. Unable to go to such destructive lengths in the name of tax collection, *publicani* may well have seen credit not only as a profitable opportunity to multiply their tithe revenues at interest, but by transferring their business from the constrained realm of tax collection to the less regulated and more brutal world of debt collection. The horrors of the credit market actually reveal how much harsher the world of tax collection could have been.

There were other ways in which the system's structure hindered the contractors. Bidding was central to the Roman system, but appears on the whole to have been the exception rather than the rule in the rest of the history of tax farming.[38] Bidding and

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[35] See chapter three.

[36] The next chapter examines this in detail. The most famous incident is that of Scaptius at Salamis on Cyprus, recorded in detail at Cic. *Att*. 5.21.10 and 6.1.5. See Plut. *Luc.* 7 for the dramatic dangers of debt in Asia. See also the saga of Ariobarzanes' debt at Cic. *Att.* 6.1.3, and the discussion at Schulz 1997: 193-7.

[37] Schulz 1997: 173-4, 197-9.

[38] Copland & Godley 1993: 61. As regards the Roman case, see Nicolet 2000: 310-4. Brunt 1988: 165 and 1990: 369-70 doubts how competitive bidding actually was (*contra* Badian 1972: 35-6). There is no evidence for such a view, and Brunt himself concedes that competition in 61 was hot. At least in the second

enforcement were, of course, interrelated, since a tax farmer who faced no competition was far more able to stare down a government's demands than one who could easily be replaced by another. As regards duration of contract, the Romans' quinquennium stands out as remarkably limited. The Ottoman *malikane* could be held for life, and the East India Company lengthened the terms it offered from one year to five before instituting the Permanent Settlement in 1793.[39] In such instances, the state all but abandoned its ability to end a tax farmer's business. Where the Roman state really flexed its muscles was in its demand that successful bidders provide an enormous deposit (*praedia*) and a set of guarantors (*praedes*).[40] According to a tax law preserved epigraphically at Ephesus, contractors had to provide up to 500% security on their contract.[41]

Every tax farmer in history would have preferred a free hand in raising his revenues, unburdened by state regulation. It is clear, however, that different tax farming systems demonstrated the strengths and weaknesses of the contractors' bargaining positions in a slew of ways; some limited the term of the contract, some regulated the use of coercion, while others showed most concern for covering financial risk through the depositing of security. The extent of such regulation was testimony to the strength of the state in curtailing the freedom of the tax farmers. From this perspective, the Roman

century, *publicani* not only were forced to compete for contracts, but individuals or groups could be ruled out of the bidding on the whim of the censor, as famously happened in 169 (Livy 43.16.2-16 with the reconstruction at Badian 1972: 40-3). Caesar at least reflects a Roman ideal: he cast a disparaging eye on the Aedui's tax contracts because one strongman had intimidated his competitors so much that there was no competitive bidding (*B.G.* 1.17.3).

[39] Barkey 2008: 232; Copland & Godley 1993: 49-50; Bose 1993: 112.

[40] Nicolet 1979; Badian 1972: 69-71; Brunt 1990: 361; Lintott 1993: 86-7; Aubert 1994: 327-8; Nicolet 2000: 286.

[41] Cottier 2010: ll 111 and probably 114. Importantly, security had to be approved by the consuls or the treasury before the collection of taxes could begin. See also Lintott 1993: 86-7: 'The elaborate procedure for obtaining security suggests that, even if there was a cash deposit, it was comparatively unimportant.' See also Lintott 1993: 89 and Corbier 2008: 220 for the date of payments.

system places itself somewhere towards the "strong state" end of the spectrum. It may not have been able to enforce all of its regulation, but the lengths to which Rome's rulers went in drafting a complicated set of regulations to protect taxpayers was impressive. What is more, they consistently fixed the structure of the operation in such a way as to limit the freedom of the *publicani.* Contact with taxpayers was limited to dealings with entire cities *en masse*, and property could not be seized from the unwilling until the tax farmer successfully appealed to the relevant magistrate. The state also insisted on competitive bids, short five year contracts and immense security.

Unsurprisingly, therefore, the lack of state capacity means that the Roman institution of tax farming falls some way short of our strong-state/weak-contractor ideal. Yet in its system of bidding, its short terms, its well-conceived (if inconsistently enforced) regulation and the separation of coercion from tax collection, the system reflects relatively well on the bargaining position of the Roman state.[42] When we compare the positions of the *publicani* battling against censors in 184 or 169 with that of *publicani* at the end of the Republic, it is impossible to deny that their bargaining position had strengthened.[43] But they were never in control of the senate, and would no doubt have envied the independence, the large private armies, the lifelong contracts and the overall bargaining positions of tax farmers in the Ottoman Empire, in British India or in much of pre-modern Europe. Even when they successfully petitioned the senate for a reduction of their payments in 61, the subordination of the contractors was clear. They did eventually win their case, but it was far from a foregone conclusion, requiring over a

[42] See also Kiser & Kane 2007: 201, citing Rome's controlling mechanisms of short-terms, regulation and collection by locals.

[43] Livy 39.44.7-8; 43.16.2-16 with Badian 1972: 40-3. The strengthened bargaining position of the *equites* is central to the thesis of Levi 1988: 91-3, and is charted at length at Badian 1972: ch. 3-5.

year and being subject to the vagaries of politics.[44] The subordination of the *publicani* to the policymakers can also be seen in their failure to have the auctions for the Sicilian tithe moved from Syracuse to Rome in 75. In this case, the senate denied the wishes of the Italian contractors, favouring the advice of a Sicilian, Sthenius, who appears to have argued that the excesses of Italian companies would damage the tax base.[45] I have already mentioned the case of Nicomedes III, who complained that he could not send auxiliary troops to the Roman because all of his subjects had been enslaved by *publicani*: enslavement of allies was immediately outlawed.[46]

Roman government emerges from such an analysis with a respectable – though far from complete – grip on its system of tax collection. The question then emerges as to why it employed the system it did. Why employ private tax collectors, foregoing the premiums which made up the tax farmers' profits? More pointedly, why employ them so widely, even collecting direct taxes? Badian and Levi have argued that Rome's rulers came to have a stake in contracts, and so persevered with them because they were themselves profiting from them.[47] If this were the case, why not loosen the rein on the *publicani* and allow them to maximise revenues beyond the limits of regulation? There must have been reasons for the Romans to employ the system they did, and in the next section I will try to isolate the incentives which led them to do so.

### *Levi's Theory of Tax Farming*

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[44] Cic. 1.17.9, 1.18.7, 1.19.6; Suet. *Iul*. 20; Dio 38.7.4; App. *B.C.* 2.13.

[45] Cic. 2.*Verr.* 3.18.

[46] Diod. Sic. 36.3. Just what they were doing in Bithynia is unclear, but they may have been lending money earned across the border in Asia.

[47] Badian 1972: 111; Levi 1988: 90-1.

The standard response to why Rome depended on contractors is that they lacked a bureaucracy.[48] It is true that Rome lacked a sophisticated bureaucracy for running a tax system, but neither this nor the simplicity of much of the system it adopted was a given. Nicolet has shown the extent to which public administration in the Republic was a reality,[49] but even in the absence of a modern Internal Revenue Service, the Sicilian tax farming system displays a level of complexity and sophistication which dwarfs the single contract for tithe collection in Asia or what we can see of the *stipendium* system in Spain and Africa. In this case, the chain of interactions in Sicilian tax farming was underpinned by a sophisticated set of public officials, whose number could have been expanded (whether slave or free) to eliminate publicans, had the Romans wished it so.[50] The enormous staffs which collected revenues for individual cities in the East might have been taken over by the Romans for their own purposes.[51] Levi sums up the point: "The argument that tax farming developed in the Republic as a means of extracting revenues by a government lacking an elaborate bureaucracy begs the central issue."[52] There was no universal rule which prohibited the establishment or employment of a (larger) state bureaucracy in the ancient Mediterranean, and the examples of Ptolemaic Egypt and

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[48] The view, while frequently expressed, is most forcefully espoused at Brunt 1988: 164, 177 and Brunt 1990: 354-6. Hopkins 1978: 45 subscribes to the theory, but sets it amid several intelligent considerations. See the considered position of Jones 1974: 151-85. Neesen 1980: 9 points out that, having collected fees on public land for years, contractors were in a logical position to collect agricultural taxes in the provinces as well.

[49] On the staff of a censor: Nicolet 1988: 64-5. On the burgeoning administrative staff of the Republic, Nicolet 1988: 326-34. See also Purcell 1983: 127-8.

[50] A point made at Levi 1988: 81-2. For a reconstruction of the Sicilian system, see Scramuzza 1937: 237-40.

[51] See the case of the Han's takeover of private staffs in the creation of monopolies at n. 60.

[52] Levi 1988: 81-2. She also rightly acknowledges that bureaucracy was not the default mechanism for solving public problems that it has since become.

Hellenistic Rhodes proved that to the Romans as much as they prove it to us.[53] In these two cases, Rome was in contact with bureaucratic systems which could at any point have been adopted or adapted. Instead, the Romans chose to persevere with the system they had.

The most complete theory for the Roman tax farming system has been given by Levi.[54] Levi rightly points out that, although uncertainty and risk played their part in making contracting more attractive, such vagaries "persisted into the Principate," when some forms of tax farming were abolished, "suggesting that these factors do not by themselves account for the choice of tax farming."[55] Instead, she argues that the tax farming system was adopted because it was the most profitable option conforming to three fundamental realities: firstly, that senators were willing to sacrifice profits in exchange for immediate payment; secondly, that the transaction costs of running a bureaucracy were prohibitively high; thirdly, that towards the end of the Republic senators lacked the bargaining power to deprive *publicani* of their lucrative role as contractors. The model is an enlightening attempt to explain various phenomena of taxation history, but ultimately fails to tackle our problem here.

Levi's first factor is her most problematic. There is no doubt that the immediacy of payment was attractive to many regimes which employed tax farming, but line 100 of the Asian tax law shows that contractors did not pay for their contracts until the Ides of

[53] See the system of royal Egyptian banks and granaries at Manning 2003: 56-60 or Manning 2007: 449-50, 457-8. See also Vandorpe 2000: 176-8. For Rhodes, Gabrielsen 1997: 80-2. Polyb. 31.31 explains how Eumenes established Rhodes' fund for public education, and Walbank's note adds other examples of what was a common phenomenon in the Hellenistic world. Erdkamp 1998: 17 argues that contracting in the early modern period emerged *with* bureaucracy, not in the absence of it. Contracting for army supplies was not found in 15th and early 16th centuries, but was in Britain and France in the 18th century, when bureaucracy was taking off.

[54] Levi 1988: ch. 4.

[55] Levi 1988: 85.

October, meaning that the treasury did not receive payment from the tax farmers until after the collection of the tax had taken place.[56] In other words, revenue was actually delayed under the Roman system, because it allowed the contractors to raise the tax before handing over their obligation to the state. In no way did tax farming increase the immediacy of revenues.

Levi then turns to transaction costs. It is simply impossible to establish the relative efficiencies of tax farming and any other hypothetical system in the Roman case because we lack anything even resembling adequate data. A more intensive employment of the state administration would obviously have increased expenses, as the scale of staff and travel increased to meet the extra demands. On the other hand, contracting involved the sacrifice of a profit margin for the contractors. Moreover, there were potential political costs, as the excesses of rapacious tax farmers generated more and more hostility to Rome. In fact, despite her own argument, Levi admits that transaction costs may have been higher under the *publicani* than they would have been under an alternative system.[57] Not only did Rome sacrifice a profit margin to keep the *publicani* in business, the ill-will earned by the contractors on the ground increased the cost of security.[58]

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[56] Corbier 2008: 219-20, where it is argued that the date reflects the completion of the harvest and the impending end of the sailing season. See also Lintott 1993: 90. My own theory from chapter one is that the late payment date allowed a balance to be calculated between contracts for revenue and contracts for supply, with only the balance needing to be paid in October. The Ottoman *malikane* system is a classic example of a tax farming system designed to bring immediate cash into the treasury (Barkey 2008: 232).

[57] Levi 1988: 93. See also Hopkins 1978: 44, citing collusion among bidders to keep the auction price down. Cic. II.*Verr*. 3.19 has Rome willingly reducing its tax revenue by keeping the auctions for the tithe contracts in Sicily, presumably to reduce the risks of overtaxation by Roman *publicani* in the province.

[58] Again, this is conceded at Levi 1988: 93. There were obviously many factors involved in Mithridates' invasion, but it was no coincidence that the massacre of 88 occurred in Asia, probably the only province which allowed Italian *publicani* to collect taxes directly from individuals. Such costs were enormous, and hardly unforeseeable.

I would also argue against overstating the costs of a centrally managed system. Even in their employment of tax farmers, the Romans had found ways to minimise administrative demands. Perhaps in order to limit the direct engagement of *publicani* and subjects, they allowed cities in Asia, Spain and elsewhere to raise their own lump sum payments of tax, stopping the tax collector from dealing with each and every farmer. So long as the *pactio* in some way resembled those of previous years, it was then the community's problem if not enough of its farmers had sufficient land under seed to meet the lump obligation. It is true that the provincial administration under a more direct system would have to negotiate each *pactio*, but the governor was already required to mediate between *publicani* and local communities, and Cicero's relief that this task had been completed prior to his arrival in Cilicia shows that – even under a contracting system – the role of mediator was neither passive nor easy.[59] In fact, the *publicani* could theoretically have been cut out of the system at any time to earn both taxpayers and the Roman administration a profit, as Caesar showed.[60] This more than any other event reveals the *publicani* system to be the needless rent-seeking device that it was. A tax system like the one employed in Ptolemaic Egypt required an enormous bureaucracy which frequently surveyed the land and the crops to calculate the necessary level of taxation.[61] But Roman systems – whether involving tax farmers or not – almost universally found ways to minimise this kind of engagement or transaction cost. The contractors and Roman governors had together created a system in which both parties

[59] Cic. *Att*. V.13.1; V.14.1.

[60] Dio 42.6.3; Plut. *Caes*. 48, Neesen 1980: 12-3. Han Wu Di managed a similar feat in China when he created monopolies by essentially nationalising private industries and directly employing the vast majority of those who were already working in them (Sadao 1987: 584).

[61] Vandorpe 2000: 175 shows a round of surveys being conducted after the flood in September, and another in February or March before the harvest.

(outside Sicily and Asia for some time) could avoid the labour of surveying individual plots of land. By applying the same principles to a centralised system, the costs would have been lowered significantly. In comparing the transaction costs of a contracting system and a governmental system, there is no need to represent the latter as the all-controlling Ptolemaic version.  The Romans could, as Caesar showed, have 'nationalised' the contracting system at any moment without committing themselves to a radically more intensive way of governing. As such, there is little reason to accept Levi's claim that the tax farming system offered the Romans a system of taxation with the lowest possible transaction costs.

Levi, however, turns to relative bargaining power as a third explanation for why the Romans did not dispense with *publicani* once they were established in a province.[62] Levi argues that the costs of political careers increased over time, and that only *equites* possessed the capital needed to fund the careers of magistrates. The bargaining power they consequently enjoyed as creditors allowed them to block any move to end their lucrative business of tax farming, and the status quo was maintained. Moreover, as senators themselves came to invest in contracts after Sulla, any attack on tax farming would have run counter to the financial interests of the rulers themselves.[63] Levi's argument is, therefore, in two parts. First, demand for their capital gave equestrians the bargaining power needed to prevent any change to their livelihood. Second, the senators were unwilling to overhaul the tax system because they themselves had come to profit from it. Each part can be countered separately.

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[62] Levi 1988: 85-92.

[63] This thesis fundamentally derives from Badian 1972: 101 ff.

Demand for credit may have governed the motivations of many senators, but room for doubt remains, especially when we consider the scale of senatorial fortunes. Those individuals in Rome who were most capable of overhauling policy were not men who needed financial help from anyone: Pompey opened up enormous opportunities for *publicani* in the East, though he himself was without doubt the richest man in Rome and needed financial help from nobody. Crassus, the second richest man in Rome, was the foremost advocate of the publicans' claim to have their obligations reduced in 60 and 59 – he in no way needed their capital.[64] And before this age in which senators were investing in contracts, policymakers like M. Crassus Mucianus (Dives!) and M. Drusus towered above their peers in wealth.[65] These were the sorts of men who decided how the state would operate, and the idea that they needed the capital of *publicani* would have made them scoff. If anything, these senatorial leaders would benefit from an attack on the increasing power of the *equites*, and Hopkins recently showed that equestrian commerce was just as dependent on senatorial capital as the careers of young senators were on equestrian capital.[66] This is not to disagree with Levi that the relative bargaining power of the *publicani* had risen in the Late Republic, nor is it to claim that Pompey would have run no risks by threatening the equestrians' profits, merely that the mechanism of money-lending does not explain the passivity of Roman senators.[67] Those most able to bring about change, in short, were those least dependent on equestrian finances.

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[64] See Badian 1972: 99-100 for the scale of the new contracts, with the lower estimate of Lintott 1993: 79. For the scale of Pompey's and Crassus' wealth, see Badian 1967: 82 and Shatzman 1975: 375-8 and 389-93. For senatorial wealth in general, see Shatzman 1975: *passim*. For Crassus' role in the *publicani* appeal, see Cic. *Att*. 1.17.9.

[65] Shatzman 1975: 253-4, 276-7. See chapter four.

[66] Hopkins 2008: 189-90.

[67] Cicero probably captures the bargaining power of the equestrians, even if in extreme form, at *Att.* 1.17.9 when he fears a complete rupture between the senate and the equestrians. The equestrians held the ability to

Levi also turned to the senators' own interests in contracts. Why would the Roman senators abandon a system that offered them profits? The problem with this view is that senators did nothing to overthrow structures impinging on the potential profits of tax farming. If senators were driven by their eagerness for profits, then the question cuts both ways: a comparative perspective forces us to ask not only why they persevered with tax farming, but also why they did not deregulate it for even greater profits. Why were the *publicani* still forced to pay interest on their payments in the period between harvest and payment to the treasury, thus diminishing profits from money lending in that time?[68] A Roman East India Company would have had the arms and coercive means to generate far greater profits for the enrichment of elite Romans. Alternatively, large tracts of public land subject to private tax collection could have been privatised by the elite, in which case taxes to Rome would have become even more lucrative rents directly to the aristocracy.[69] This would of course have threatened a higher rate of discontent, but that was a problem for the treasury or for whoever was in office, not the private resources of profiteering aristocrats. Comparative history reveals a wide array of possible tax farming systems, and the financial interests of Roman senators cannot explain the retention of tax farming without also being able to explain the particular kind of tax farming being retained. I cannot see how the latter is possible.

The Roman system of tax collection was a unique set of practices which could theoretically have been modified in almost any way or any direction. That it took this particular form requires explanation. It requires a weighing of different factors. Levi

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severely disturb the status quo, and this supports Levi's case that the *publicani* had a significant bargaining position, but not for her reasons.

[68] Cic. II.*Verr.* 3.169.

[69] Such an interpretation of private landholdings in the provinces will be put forth in the next chapter.

understands well that 'rulers walk a tightrope,' and sees them as maximising revenues within constraints that pull policy in different directions. But the peculiar balance (to use the word without any connotation of virtue) of the Roman publican system cannot be explained by Levi's three factors of discount rates, transaction costs and bargaining. Her view ultimately revolves around the belief that tax farming maximised revenue to the state by delivering a fixed sum, up front and without major transaction costs. Not only does tax farming not seem to meet those three criteria, I would argue that public revenues had little to do with the goals of Rome's rulers. For Roman policy-makers, the treasury offered very little; what most concerned them was the maintenance of the existing relationship between state and society.

### *Incentives for Tax Farming*

The Roman aristocrat rotated in and out of office, only occasionally enjoying some kind of executive power. Even if he made it to the consulship or censorship, his demands for money were still subject to the will of the senate. To increase the property of the state, therefore, did him few favours; even if he made it to the summit of the *cursus honorum*, he had only meagre control over the resources he found there. When it came to Rome's riches, it was in his interests to squirrel away as much as he could for his own private use. It was also in his interests to prevent the growth of an autonomous state that would constrain his ability to do that. He was the aristocrat, and in all things, he was determined to remain in charge. This meant that the tax system could not be allowed to centralise so many resources that the state's subordination to society would be reversed.

Far from maximising state revenues, therefore, a system had to be found in which the state's most basic needs were funded, but no more than that. When analysed in these terms, the Roman taxation system was an excellent fit. In the remainder of this chapter, I will make the case that Roman tax farming offered to the aristocracy three major advantages: in the first place, by capping the state's revenues at an auction price, tax farming freed the profiteering of magistrates from any accusation that they were stealing the revenues of the Roman people; secondly, I will argue that tax farming allowed the state to employ professional tax collectors without the elite having to acquire those skills themselves or have their own supremacy undermined by expert state officials; thirdly, tax farming ensured that public revenues were paid directly to the treasury, thus ensuring that no individual governor or official ever controlled the fate of the *aerarium*.

The most basic fact of tax farming is that it guarantees a fixed revenue for the fisc. In some cases, this is prudent insurance because it forces the contractor to assume the risk of a reduced yield. In the Roman case, however, I would argue that it served more to cap the state's share of imperial profits, thus restricting the extent to which it could direct a surplus towards new and potentially threatening activities. Profits appear to have been healthy, and everything that was collected beyond the auction price was kept from aiding in any potential expansion of the government's footprint. For the individual aristocrat, it offered an even greater benefit: by capping the state's claims to revenue, it removed his profiteering from any charge of defrauding the Roman people, since their legitimate claim to revenues went no further than their auction price. If he made extra profits in the provinces, he was taking it from the local inhabitants and not from the

Roman people, since none of this money was ever destined for the treasury. The ceiling for tax revenues thus aided the process of resource decentralisation.

Tax farming, therefore, made profiteering easier for the senatorial elite, but this was not the extent of its benefits. As with so much else, the appeal of tax farming lay in the tenuous grasp on political power enjoyed by members of the Roman elite. Because they never knew whether they would hold a province or what province it might be, and because their terms of office were annual, the notion of a thicker state was abhorrent. The last thing the Roman aristocracy wanted was to accumulate a large body of resources available to rivals or controlled by non-elite technocrats. They thus implemented a tax system which bypassed the control of magistrates and bureaucrats. Tax farming, in other words, removed control of centralised resources from the hands of potential rivals, whether permanent state officials or aristocratic rivals for office. Each of the two can be examined in turn.

A more bureaucratic system would have posed at least one of two potential problems: on the one hand, it might have required more expertise from its managers than the aristocracy was equipped to provide; on the other hand, it might have required a set of permanent officials whose importance would overshadow the rotating magistrates supposedly above them. Neither of these was tolerable. Because each Roman magistracy – and especially those in the provinces – was a short-term office with unique demands, it was impossible to train for it. The demands involved in governing Sardinia were different to those involved in governing Asia. Some provinces were more warlike than others, some were more urbanised, some had plenty of free cities, some had very few. There was no incentive to learn the skills needed to govern a particular province because there was no guarantee of which province would be assigned. Nobody, therefore, was expected to have expertise specific to a province. Situations could vary over time even within the one province. Perhaps more extreme were the experiences of quaestors, not only varying according to location, but dependent on a promagistrate above them who could be anything from lazy to hyperactive, from hideously venal to sternly virtuous, a soldier or a jurist. Circumstances could present peace or (hopefully!) war. In both the strict and loose definition of the term, magistrates were usually amateurs, and far from avoiding this situation, occasional regulations were instituted to ensure that no magistrate would know his province until after his election. In fact, when we look at a governor's staff, it is striking how much his entire administration was set up without any regard for expertise in a specific province. With him he took a quaestor, a staff of *apparitores*, legates, a *cohors amicorum* and members of his own *familia*.[70] His quaestor was not only required to have no previous experience of the province, he was liable to be a complete novice in finance. Moreover, he was significantly younger and less experienced than the governor, and was likely to need him to help advance a developing political career. Legates were often (though far from always) there to fulfil military roles, but again they were likely to have no training in the specifics of a given province. The same applied doubly to *amici* and *familia*. This was an ideal situation for the Roman aristocrat, who had to minimise the expertise required of his own role without subordinating himself to the proficiency of those around him.[71]

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[70] Richardson 1994: 580-4. Also Scheidel 2008: 18. See the discussion at Schulz 1997: 99-103; 105-6; and especially 154-79. Schulz 1997: 173-4, 197-9 stresses that not all legates fulfilled military duties.

[71] Cf. Scheidel 2008: 16: 'Protobureaucratization was at odds with the governmental arrangements of the Roman Republic, which was controlled by a small number of aristocratic lineages that relied on social capital, patronage relationships, and the manipulation of ritual performances to maintain power, and more mundanely drew on their own friends, clients, slaves, and freedmen to fulfil key administrative tasks.'

Beyond the requisite military training and some expertise in the law, it was never assumed that a governor would have a specific expertise for his province, and to have changed this would have placed impossible demands on a system committed to short magisterial terms. He was, and was only ever trained to be, an amateur. And so the frequent arrival of a new (and often unremarkable) governor in each province required the setting of a low bar in terms of knowledge and training. To ask too much of a governor was to invite governmental disaster. Nor did the aristocracy have any interest in involving itself in difficult administration when it could be avoided. Yet to encourage or even allow for that expertise anywhere else in the state system would have been to jeopardise the autonomy of the magistrate, because an experienced official who ran the taxation of a province would have been able to sideline his own governor. This was simply too great a political risk for the aristocracy. To maintain their dominance, Roman aristocrats had to ensure that no officials were more embedded in the provinces than they themselves were. This ruled out any system of provincial governance which depended on the knowledge of officials. What was needed was essentially an 'amateur state'.

On the other hand, however, a degree of expertise and professionalism was necessary to ensure the proper functioning of the tax system. Contracting, therefore, resolved the critical issue of knowledge without forcing the aristocracy to change its ways or to share power with expert officials. Importantly, this applied equally to contracting for expenditure as it did for collecting revenues. The supplying of a legion, for example, took an amount of expertise which annual magistrates could not be expected to master; arguably the most capable could, but it would have been an enormous risk to

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Goldstone and Haldon 2009: 8-9 stress the ability of the elite to recruit its own members in fulfilling the institutional roles required to maintain the state structure; if they cannot do this, the social and state elites will likely clash.

let every praetor and consul try his hand at it. A system could have been implemented in which a permanent staff was attached to each provincial legion – not a difficult reform, but one which would have left officers who were more integrated into the governor's own *provincia* than he himself was. By contracting for its supply, exogenous expertise could be developed and employed without allowing it into the legion itself. The same applied for the collection of taxes: contracting allowed revenues to grow with the spread of empire without expansion of the state itself or of the demands placed on the ruling aristocracy. This is not the 'last resort' explanation, that the state did not possess the necessary expertise to collect taxes directly; instead I am arguing that Rome's aristocrats, regardless of whether or not there was sufficient expertise, had no interest in creating a more professional system of government because it would have undermined their position as an essentially amateur set of rulers.

This is a very different path to that taken in other societies, but when we consider those ancient states which managed to collect taxes directly, we tend to refer to monarchies with highly centralised power, such as the Ptolemaic state or the extreme example of China. Both employed a centrally organised bureaucracy and a system of granaries to which agricultural taxes were paid.[72] The ruling regime within Han China was a more definite centre to whom the whole hierarchy of officials had to answer over the long term. Emperors were not scheduled to rotate frequently, and the success of both rulers and officials was constantly measured on the job.[73] Thus there was not simply an opportunity, there was even an imperative to ensure effective government. For the Roman

[72] Egypt: Vandorpe 2000: 177-8; Manning 2003: 58-9; Manning 2007: 449-50: 457-8. China: Loewe 1987: 478, 483; Sadao 1987: 604-5; Ebrey 1987: 619. Even the transportation of taxes from centre to periphery was seized from contractors by Wu Di (Sadao 1987: 604).

[73] Loewe 1987: 485-6.

aristocrat, however, success was the winning of the magistracy in the first place, and little review took place of one's actual performance, so the demands of the job could be pared down because success was less dependent on performance in office. At the same time, the rotation of offices meant that the entering magistrate lacked the inherent authority of a life-long ruler with the mandate of heaven – the moral and symbolic authority of an emperor or pharaoh left no doubt who was in charge.[74] A vast bureaucracy could be employed because it could be monitored over time, because non-rulers saw advantages in becoming closer to the regime by becoming part of the state system, and because experts could be employed at various levels without jeopardising the supremacy of the ruler. This also allowed the ruler to have (limited) direct control over performance, which was necessary since the performance of government had a direct impact on his own legitimacy year in and year out. The same dynamic enters Roman administration when Augustus begins personally to appoint governors to provinces, making the relationship between centralised authority and centralised administration clear.[75]

The Roman aristocracy, then, had few incentives for the kind of centralised tax system visible in some other ancient empires. When it came to extracting resources, Rome's rulers were not particularly reliant on the quality of performance and so they did not have to oversee the process directly. Eager to ensure their own supremacy within the system of governing, they found in *publicani* a way to locate necessary expertise outside the regime, where they could not challenge the authority of the magistrate. They were socially inferior and could be replaced frequently, as when the censors expelled from the

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[74] Except, of course, when circumstances fell apart and an emperor fell. See the case of Wang Mang at Bielenstein 1987: 145ff. See in reference to charismatic authority, Weber 1978: 242-3.

[75] See Ando 2000: 82-3, 363 on Augustus' personal guarantee of administration.

bidding in 169 all those who had won contracts in 174.[76] The separation of collection and coercion – the former the responsibility of the contractor and the latter residing in the control of the governor – also had obvious benefits, in that it was a prudent (if easily defied) defence of the taxpayer.[77] In choosing to channel Rome's tax revenues through these companies of equestrian businessmen, however, Rome's rulers were perhaps also showing their hand that they did not trust each other with control of such important riches. Contracting prevented a magistrate from exercising individual control over centralised resources, so that we can see in it a reflection of uneasy power sharing within the aristocracy itself. Again, the key is that centralised resources had to remain under collective control, because each aristocrat shared power and for any peer to control a province's tax revenues for three years would give him undue power.

Contracting therefore allowed for collective abstention. The payments of the *publicani* to the treasury barely had to pass through the hands of magistrates (quaestors were presumably involved). There was no point at which they were marshalled by the provincial administration of a governor, and certainly no point at which he was able to prevent their being sent to Rome. Instead, they immediately became corporate resources, out of any individual's control. To access those resources, each aristocrat had to have his attempt sanctioned by his peers and competitors in the senate.[78] No governor of a

[76] See Badian's brilliant interpretation of the crackdown on publicans in 169 at Badian 1972: 40-3.

[77] See the admittedly polemical account of soldiers' abuses when allowed to collect taxes at Caes. *B.C.* III.2.4. We can also see some defence of the taxpayer in the stipulation that, in disputes, the taxpayer would get his way until the collector appealed: see Badian 1972: 80 citing Cic. 2.*Verr.* 3.28ff for Verres' reversal of this policy. Allegedly, Gabinius outright refused to accept the *publicani*'s appeals (Cic. *De Prov. Cons.* 10).

[78] Note the way that even the great M. Lepidus needed permission from the senate to draw funds for the construction of temples he had vowed (Livy 42.50.1). Consuls in theory had the right to draw as much as they wanted from the treasury, but in practice they had to have their requests approved by the senate. See Polyb. VI.12.8, with Walbank's commentary.

provincial tax base ever had control of the funding upon which his peers would rely to fund their duties, because the system enforced avoidance by all. This system offered three protections for the interests of the rulers. In the first place, it removed responsibility for the public revenues from the governor's administration which, as we saw, could be completely unfit for the job. Had responsibility for taxation been in the hands of new magistrates every couple of years, there would be erratic revenues at best, complete chaos at worst. In the second place, it ensured that a dangerous rival could in no way deploy the resources of the collective for his own personal ends, a fear which was long and well grounded in Roman political society. So long as the main public revenue streams were paid directly to the *aerarium*, however, no individual was able to isolate the collective from its funds. This stood in contrast to the extraordinary freedom granted to magistrates with respect to the proceeds of their own activities, most notably the independent expenditure of fines by aediles, *aurum coronarium* for military victories, and the distribution of booty by victorious commanders.[79] Had tax revenue been handled through the governor's office, they might have been subject to the same arbitrary expenditure, and there simply was not enough trust within the aristocracy to allow that. Thirdly, and as I argued above, by drawing a line around what could not be decentralised for private profit, it effectively declared open season on the rest. The contracting system declared a fixed part of imperial profits to be public, but the corollary was that the rest was more easily seized as private. The result was an effective way of managing issues of trust within the self-regulating elite, whereby they communally agreed to abstain from individual control

[79] Livy 10.23.11-2; 31.50.2; 33.42.10; 35.10.2. The aristocracy no doubt insisted on managing these funds directly since they were the product of the individual's own achievements. See Ando 2000: 177 for *aurum coronarium*. Cf. Webber and Wildavsky 1986: 132 and Hopkins 2009: 182-3.

of the common revenues and implicitly identified more acceptable areas for rent seeking or outright profiteering.

Again we can compare the Egyptian and Chinese systems. It was in the interests of the Chinese or Ptolemaic ruler to centralise as much of the economy as possible within the state because, in that form, he and his regime could directly benefit from it. In the cases of these highly centralised monarchs, what belonged to the state belonged to them.[80] They were not like Rome's aristocrats, who had to differentiate between public and private.[81] Because the monarchical ruler was so bound to his state, and because he had such access to his treasury, he had every reason to maximise public revenues and to avoid their decentralisation. Conversely, there was an incentive for each of the Roman rulers to decentralise resources and to prevent the expansion of the state's hold on property, because what fell into the communal pot was not at his individual discretion to use.[82] Again, this is a central feature in the transformation from Republic to Principate, when we see the melding of the public purse with the Caesarean one.[83]

Caesar made real what all knew was possible. The perfectly reasonable equation of monarchy with individual authority over the treasury makes it a little easier to

[80] Manning 2007: 446: "The Ptolemies inherited a tributary economic system in which, in theory, the state was the household (*oikos*) of the king." Sadao 1987: 591 examines the tensions between theory and practice in this regard.

[81] They were largely successful at this differentiation: Hopkins 1978: ch. 1; Mann 1986: 256-67.

[82] Humphreys 1990: 294-5. See the theoretical discussion at Goldschied 1958, concerning a similar dynamic in the early modern period. For Goldschied, early states enjoyed significant possessions which were run and exploited by a fixed ruler or rulers. As the state became more liberal and inclusive, the elite stripped the state of its economic value ('the expropriated state'), so that as the masses gained a firmer control of the state, there were few resources to be found there. Instead, they had privatised them and could hold the state hostage as it sought access to them.

[83] App. *B.C.* III.20; *Res Gestae* 15.1-4, 17.1-18.1; Dio 54.29.5, where we are told that Agrippa owned the Chersonese, and passed it on to Augustus in his will. See conclusion.

understand, for example, the hostility directed at Ti. Gracchus.[84] But Caesar went far beyond any tribune. The end of the old system of restraint was a notable feature of his dictatorship, as all *prosodoi* bypassed the *tameion* and went straight to his own purse; this meant that the senate, as a collective decision-making body, could not make policy even if it tried to. This was also, of course, a central feature of Caesar's defiance: he refused to be bound by the senate's earlier power of the purse strings.[85] With Caesar, the power sharing imperative was gone, and with it went the incentives for such a heavy employment of tax farming. His abolition of direct tax farming in Asia announced to the world two things: it announced that the old ways were needlessly inefficient and could have been dispensed with at any time; it also announced that Caesar had a new, less oligarchic view of taxation and preferred to spare the tax base then line the pockets of the *publicani*. His view of Rome's subjects was tailored more towards sustainability, his view of revenues was more centralised. In the course of a few short years, Caesar would facilitate a comparative study within Roman history, contrasting the incentives of the old aristocratic regime with his new autocracy.

Fiscal practices could not escape the political and social realities of the Roman Republic, and the search for incentives must begin with a historically specific set of goals. Levi assumes rulers aimed at public revenue maximisation, but this simply will not do because it does not enquire into the relationship between 'rulers' and 'public'. The *via publica* was not always the best route to the attainment of the aristocrat's personal goals:

[84] Plut. 14.1-2; Livy *Per.* 58. The importance of the Attalid bequest is stressed at Badian 1972: 714: "The affair of Attalus' will is the turning-point."

[85] App. *B.C.* III.20. See Jehne 1987: 68-78.

in war and oratory there could be no other way, but when it came to acquiring or distributing economic resources, the *via privata* offered a more concentrated and more permanent set of rewards. Rome's rulers avoided maximisation of public revenues because they preferred private enrichment, but beyond the financial considerations, they were also unwilling to tolerate the political sacrifices that public taxation specialists would have entailed.

The Roman system of tax collection, therefore, was less about maximising revenues than it was about sustaining an aristocratic regime. Their 'amateur state' was kept out of tax collection not because its rulers had never seen or dreamt of a more centralised system, but because this would have cut into their profits and would have forced them to develop higher capacities as magistrates. This in turn would have overwhelmed their own limited expertise and loosened their grasp on power. Rotating in and out of office and unable to entrench themselves in the state, they were unwilling to see specialists entrench themselves anywhere in it either. As a regime, they were willing to forego the premium skimmed off by *publicani* and to deal with the misconduct of private collectors, because they were unwilling to allow the necessary degree of professionalism within the state itself. Competitive bidding and various sets of regulation meant that they maintained a greater level of control over their publicans than many other regimes ever managed, and this balance between private collection and public oversight was ideal for delivering the privileges of rule without the political demands of administration.

Roman tax farming was defined by the extent to which it kept hold of its starting premise. At Rome, "the justification was that 'revenue' not 'positions' were being put up for sale."[86] The first concern for the ruling aristocracy was always that their own supremacy would be maintained, even at the expense of public revenue. They were happy to incur costs not only because their conquests had ensured an enormous set of taxes and tribute, but because public revenues were not to their advantage. A class defined by its wealth and by the ability of its most worthy to enjoy short-term positions of authority, they could not allow a strengthened state to lessen their enrichment or empower an alternate set of officials. Thus they employed their position as rule-makers to create a system of taxation unique in history, and which defined much of their own political society in ways they could only sometimes foresee.

[86] Inalcık 1980: 331, also quoted at Copland & Godley 1993: 50.

# Chapter Three

## Revenues and the Provinces

From the end of the third century, the wealth of the Mediterranean poured into Rome. New systems of taxation were established abroad as provinces replaced Italy as the tax base. This chapter will therefore explore the dynamics of the new tax system, whose riches would have such a profound effect on Roman society. Throughout the second century, as the peripheries had their resources siphoned off to the Italian centre, Roman rulers systematised their seizure of part of the provincial economies, centralising some for the treasury, and decentralising a great deal for their own estates. A chapter on the provinces must, therefore, address two separate problems: in the first place, we need to analyse the impact Rome's new tributary system had on the tributaries themselves; in the second, we need to elucidate exactly how it was that the elite went about decentralising resources at the expense of both the Roman state and the provinces. The result will be a chapter of two halves, but both address the exploitation of the provinces.[1]

In thinking of the Roman triumph or Cicero's Verrines, it is easy to conclude that Roman enrichment was the product of war and of outright extortion in the provinces. This would be to underestimate so much of the provincials' misfortune. There was corruption, no doubt, and booty could be immense, but the Roman elite found ways to conceal much of their rapacity within the velvet glove of legitimate government. Systems which had originally been implemented to protect the provincials or to allow a degree of administrative efficiency were soon manipulated to enrich both the governor and his civilian associates. Nobody could deny that a governor was entitled to an allowance of grain; cities that needed safe waters understood that they should provide a warship to protect their merchants. But governors soon realised that these legitimate

[1] The terms 'provinces' and 'provincials' will here be used to encompass peoples outside Italy who were regularly paying money to the Romans, regardless of their formal status as Roman 'provinces'. For the difficulty of such status as a term in historical analysis, see Kallet-Marx 1993: 18-21 and Quinn 2004: 1595-7.

contributions could be manipulated to draw more and more from their subjects, demanding an allowance of grain in three different cities a day, or mustering a warship only to dismiss the crew and sell it at profit.[2] It was as much the stretching of the legal as the employment of the illegal that filled the purses of the elite.

Often venal, usually self-regulating and always with legions at its disposal, the Roman aristocracy was perfectly positioned to manipulate its control of the state for the enrichment of itself. I argued in the introduction that, although the boundary between state and society was a weak one at Rome, it was nonetheless there. Both its weakness and its presence caused the provinces' grief. The boundary was present enough to empower a magistrate with Rome's formidable soldiery, but it was weak enough that private business could easily permeate it, leading magistrates to deploy centralised – usually coercive – resources to meet private economic goals. This was the worst of both worlds: had the Roman state been stronger, it might have resisted the influence of private business; had it been weaker, it would not have had such irresistible coercive means at hand. It is this manipulation of public and private – this centralising of coercion and decentralising of profits – that is the focus in the first half of this chapter.

In this dire scenario, one could be excused for imagining that the provincials would seize upon the first chance to escape, and in 88, with Mithridates agitating from Pontus, the people of Asia did just that. But not all provincials were powerless, and the realities of ancient government meant that the provincial elite was now empowered by the administrative burden which fell on it. Rome consistently delegated much of the tax collection process to the leaders of the cities, villages and tribes over which she ruled, and she had little choice in that.[3] The old orthodoxy was that an open conspiracy existed between Roman and Greek elites, in which "mutual interests

[2] Cic. *Att.* 5.21.5; II.*Verr.*1.86-90

[3] Most pertinently, Mann 1986: 526-7: premodern states "could do virtually nothing to influence social life beyond the ninety-kilometre striking range of their army without going through intermediary, autonomous power groups. It is worth stating again that none of the states considered in this volume could even know the wealth of their subjects (unless it was actually moved along main communications routes), and they could not extract it without having to strike bargains with autonomous, decentralized groups."

between men of the East and West were the solid and genuine foundation of Rome's eastern empire."[4] Instead of pursuing this course of universal class affinity, I want to address the processes of tax collection, from measuring, to payment, to transportation. Reliance on local leaders did not necessarily empower them vis-à-vis the Romans, since the wrath of the latter was so feared that few would test it. It did, however, empower them domestically. This elite now controlled the information, the administration and the processes which saw taxes transferred from each local payer to the Roman collector. To avoid the attentions of the governor and his legions, each city placed a premium on the civic abilities and foreign contacts of its leaders, which in turn reinforced the privileged in their indispensible role as managers of the city's business. They became the critical intermediaries between the Romans and the local population, necessary to both, able to manipulate their situation for their own gain. Through their civic management, these leaders were able to provide service to their homelands, and they reaped the political rewards.

Most of this chapter will be divided into two halves, each of which is inturn divided into two sections. The first section will look at the role of credit in enabling the decentralisation of resources in the provinces. The second section will analyse the ways in which Rome's aristocrats manipulated the divide between public and private, generating greater and greater personal wealth out of provincial government. In the third section, I argue that even the harshest profiteering could benefit the local elite, who were forced to take charge of each new demand for money, and in the fourth and final section, I look at the role that the tax system played in activating boundaries between provincial cities and discouraging their cooperation against Rome. Before any of this, however, there will be a brief summary of the different provincial revenue systems.

What we know of formal taxation was outlined in chapter 1. In Sicily and for some time in Asia, contractors (local in the former case, Italian in the latter) actually collected a percentage

[4] Bowersock 1965: 1. The term 'open conspiracy' was used at Gray 1952: 123: "The open conspiracy in which Greek and Roman aristocracies found a bond of sympathy and material interest."

of the harvest from each farmer and moved it off to areas in which it could supply a profit. In provinces like Cilicia, the tithe was collected locally and delivered to *publicani* who then transported it in search of profits. In tributary provinces, a fixed sum was established which may or may not have been delivered to contractors, but which again was raised under the local community's auspices. These public taxes, however grand, made up only one part of the overall flow of wealth to Italy, and the focus now needs to shift from public exploitation to personal enrichment in the various provinces of the Roman Empire.

Successful wars had rarely if ever been to the financial detriment of Rome's leaders.[5] In the first half of the second century B.C., however, centralised military endeavour was understandably reflected in the enormous indemnities paid by the vanquished and centralised in the treasury.[6] The Roman community as a whole had toiled to win its wars, and the large indemnities which resulted were paid to the Roman people, not specifically to the Roman commander or aristocracy. Communal effort, therefore, manifested itself in communal riches. These indemnities were particularly valuable if only because they required no expense to collect and transport. Nor did they involve angry tax-payers threatening to withhold their consent, or stakeholders who could demand some sort of representation – just defeated enemies who were in no position to defy the terms of their settlement.[7] Indemnities in the later second century are more difficult to follow. The loss of Livy prevents any attempt to piece together the full history of these military reparations, but there can be no doubt that the later Republic did not live up to the golden age of the early-mid second century. The wars with Hannibal, Philip V, Nabis, Antiochus III and

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[5] See, most poignantly, the famous accusations that the frugal plebeian leader M'. Curius Dentatus had seized too much conquered land for himself (Dio 8.3.7). See also the general complaints at Livy 4.51.5-6. For the most famous exception, historical or otherwise, Livy *Per.* 18, in which the consul requests leave to return to his land, destitute in his absence.

[6] The Carthaginian indemnity of 199 was only inspected upon delivery in Rome, suggesting that there was no Roman role in collecting it in Africa (Livy 32.2.1). The same conclusion is reached for Macedonia's regular tribute after 167 and Achaea's after 146 at Dahlheim 1977: 129. For the case – not followed here – that tribute was not imposed on Achaea at this point, see Kallet-Marx 1993: 59-62.

[7] Livy understood that the collection of *tributum* from Roman citizens could occasion political conflict: 2.23; 5.10-13; 10.46.6.

the Aetolians each brought in annual payments for fixed terms.[8] Eventually indemnities were replaced by more permanent income streams. The defeat of Perseus in 168 saw the imposition of a regular tribute without end, which had probably also been the case for a little over a decade in Spain.[9] Fixed-term indemnities from independent peoples (whether for five years or fifty years) thus more or less fell out of fashion. In their place came regular tribute imposed indefinitely, and/or one-off payments to commanders. The former was largely dealt with in chapter one, and saw revenues bypass magistrates, entering either the public purse or that of the *publicani*. But regular tribute always either involved or was a precursor to the creation of a promagisterial *provincia*.[10] This more permanent presence opened up various avenues to private enrichment, avenues which would become well-worn by generations of governors. Before we examine the phenomenon of profiteering promagistrates, however, we will examine the possibilities for profit opened up by one-off payments.

*Exactions and Credit*

One-off payments primarily include the tribute demanded of vanquished enemies upon their capitulation, or the sum demanded in exchange for confirming a local ruler in his position. The latter was essentially an open form of bribery, though for the most part the whole field of one-off payments came to be treated in the same way as booty.[11] Principle had long dictated that

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[8] Carthage: Polyb. 15.18, Livy 30.37.5, Pliny *N.H.* 33.51. Philip: Polyb. 18.44.7, Livy 33.30.7. Antiochus: Polyb. 21.42.19, Livy 37.45.14. Aetolians: Polyb. 21.30.2, Livy 38.9.9. For summaries, see Kroll 1933: 88 and Frank 1933: 127ff.

[9] Perseus: Livy 45.18.7, 45.26.14. Communities which had gone over to the Romans were exempted. Spain: Richardson 1986: 72, 160-1, esp. 115-6, arguing that *stipendium* was regularised by Ti. Gracchus during his propraetorship in 180-78.

[10] It is worth repeating the observation of Dahlheim 1977: 129 that regular tribute offered the Romans an open pretext for intervening in local affairs or for setting up a provincial administration.

[11] In theory, bribery was always a crime. See, for example, the accusations of bribery levelled at M'. Aquillius at App. *Mith.* 57; *B.C.* 1.22 and extant in a speech of C. Gracchus' at C. Gracchus fr. 44

what was earned in the course of a magistracy was at the disposal of the magistrate, and this meant that what a commander seized in the course of vanquishing his enemy did not belong to the treasury unless or until he decided so.[12] Cn. Manlius Vulso, for example, played politics by simply handing it out to all those who had paid *tributum*.[13] Pompey apparently deposited 20 000 silver talents into the treasury, but not before he had handed out 1 500 drachmas to every soldier.[14] In the same way, what a defeated enemy paid to a commander on the spot was considered to be at the discretion of the commander. Figures elude us for most of the century following Pydna. More than 3 000 talents were handed over to Metellus Numidicus by Jugurtha, Curio forced payments out of the Dardani on the borders of his province and the younger M. Scaurus spared Petra for 300 talents.[15] Each, however, was pittance compared to what was on offer in Asia Minor. Sulla demanded 20 000 talents after the First Mithridatic War, probably arrears accumulated during the Pontic occupation, but demanded at once nonetheless.[16] Pompey was able to name prices so exorbitant for confirming kings that the 33 talents he drew from Ariobarzanes III each month would not cover the interest.[17] Badian points out that Pompey had done very little for Ariobarzanes' ancestors in exchange for this debt, and imagines 'what other kings and dynasts, with whom Pompey was in close contact and for whom he had done a great deal, owed him or had paid him.'[18] Badian could have drawn upon at least one well attested case.

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Malcovati. A prosecution is presumably referred to at Cic. *In Caec.* 69 (see Alexander 1990: no. 23). Cf. Merola 2001: 45.

[12] On booty, see Shatzman 1972. The same principal seems to have applied to fines collected by aediles: see ch. 1. The evidence for booty is collected at Frank 1933: 127-38, 230-1, 324-6.

[13] Livy 39.7.5.

[14] Plut. *Pomp*. 45.3; App. *Mith.* 116. Officers obviously received far more, the total supposedly reaching 16 000 talents. Cf. Frank 1933: 324-5 and Badian 1968: 80-1 for reconstructions.

[15] Numidicus: Sall. *Jug*. 62.5. Curio: Sall. *Hist*. 2.60 McGush.; Amm. Marc. 29.5.22. Scaurus: Jos. *Ant. Jud*. 14.80-1.

[16] See the discussion at Broughton 1938: 516-9. See Merola 2001: 53-5 on the financing of the indemnity.

[17] Cic. *Att*. 6.1.3. See also Cic. *Att.* 6.3.5, where Ariobarzanes has promised Pompey 200 talents over six months, besides another 100 talents paid to Brutus that year.

[18] Badian 1968: 82-3.

With ceremonial magnanimity, Pompey confirmed the suppliant Tigranes to the throne of Armenia for a fee of 6 000 talents, and the eventual sum apparently outstripped even this.[19] A further 6 000 talents were paid to Caesar and Pompey for recognition of Ptolemy Auletes' rule in Egypt, and, having subsequently been removed from his throne, the king eventually offered 10 000 talents to Gabinius in exchange for forceful assistance in his restoration.[20]

Unsurprisingly, this development towards one-off payments was to the advantage of the individual Roman aristocrat. So long as overseas communities were paying directly to the treasury, he could not personalise the profits of a war's settlement, since they were immediately centralised as the property of the state and were thus subject to the corporate control of the senate. By demanding payment up front, the magistrate had control over the resources which flowed from a campaign. This was just the beginning of the process, however. The Ariobarzanes case highlights the creditor's ability not only to privatise tribute, but to maximise the revenue involved. The Roman leader could demand exorbitant sums within unreasonable time periods, forcing subject communities to borrow the money involved.[21] The creditors in these cases were of course elite Italians, whose usurious interest rates – up to 48% – met the dual demands of increasing the total amount bled from the provinces, and decentralising these 'public' demands into private wealth.[22] The first attested occurrence of this method was in 199, when the

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[19] App. *Mith*. 104; Plut. *Pomp*. 33.4; Strabo 11.14.10; Tac. *Ann.* 11.14.10. Dio 36.53.5 adds that Pompey received more than had been promised. It is also worth noting that when the son of Tigranes tried to escape from Rome, a distinguished publican and associate of Pompey died in the fight to bring him back (Asc. 47C, Cic. *Mil*. 18). This presence of M. Papirius, *eques Romanus ornatissimus, publicanus, familiaris Pompeio*, in ensuring that the son remain hostage perhaps shows that Pompey was not the only one with money invested in Tigranes.

[20] Suet. *Iul.* 54; Cic. *Rab Post.* 21.

[21] Cic. *Flac.* 20 states that *civitates* with empty treasuries could raise funds through *versura* or *tributum*. The possibility of the latter, however, depended on the immediacy of the payment, the state of the current tax-farming contracts and the ability of the tax-base to sustain further taxes. See Cic. *Att.* 5.16.2, where Laodicea, Apamea and Synnada had already auctioned off their tax collection and could not raise new revenues. For discussion of loans to communities, see Broughton 1938: 552-4; Badian 1968: 73-4; Jones 1974: 118-9; Hopkins 1978: 47; Bernhardt 1985: 190-4; Mitchell 1993: 30; Schulz 1997: 193-9.

[22] See Andreau 1999: 94 n. 23, citing interest rates of 24% (Cic. 2.*Verr*.3.165-70, though the identity of the debtors here is unknown) and 48% (Cic. *Att*. 6.1.5).

Carthaginians, trying to make the first payment of their indemnity with coins of just 75% purity, were forced to borrow.[23] By the first century, it had become common to force communities into debt in order to raise money, as the actions of Sulla, Pompey and Caesar discussed above make clear.

Scholarship has always been aware of debt's role in the ordeals of the Roman provinces.[24] The stress here will not be placed on the impact of debt, however, but on the ways in which debt served to siphon the profits of war into private wealth for the Roman aristocracy. Credit was a way of converting the treasury's public taxes into debt repayments to private Roman creditors. The confluence of interests between creditors and governors, however, allowed the aristocracy to switch between their public and private personas in shifting the costs of debt collection to the public purse, while pocketing the proceeds as private profits from business. This ability of the aristocracy to play a game of centralisation and decentralisation to its own advantage was clear in the famous plight of the Salaminians.[25] In this case, M. Brutus had left the collection of debts to M. Scaptius and P. Matinius, neither of whom had any prior role in the administration of the province. Finding it hard to press payments out of the Salaminians, however, they approached the governor, Ap. Claudius Pulcher, who duly endowed them with prefectures.[26] As prefects under Appius, they deployed cavalry to help call in their debts from Salamis on Cyprus, besieging *senatores* in their curia and starving five to death. Without prefectures, they had neither the authority nor the resources to deploy cavalry in calling in their

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[23] Livy 32.2.1. The potential of this 'business' seems not to have been fully appreciated for some time, since it did not become standard practice until the late Republic.

[24] Supra n. 21. The ancient sources put the issue front and centre: see most famously Plut. *Luc.* 7. C. Cornelius, the tribune of 67, described loans to foreign envoys as *turpia* and *famosa*, and complained that the provinces were being exhausted by money lenders (Asc. 57C). Cicero considered the reduction of provincial debt a sign of Quintus' virtues as a governor (Cic. *Q.F.* 1.1.25).

[25] See especially Cic. *Att*. 6.1.6. The saga stretches from *Att*. 5.21.10 to 6.3.7.

[26] Scaptius (though Cic. *Att.* 6.3.5 suggests a different individual of the same name) and another agent, L. Gavius would receive prefectures from Cicero for transacting Brutus' business in Cappadocia (Cic. *Att*. 6.1.4). Cicero refused to so empower *negotiatores* within his own province of Cilicia (*Att*. 6.1.4), but the technicality of having them operate outside his borders apparently satisfied his conscience.

debt. It was no expense to the governor, however, to free up some horsemen who were being paid for their service anyway. It was thus easy to use publicly funded troops to compel payment of private debts. Brutus, therefore, could use Rome's communal resources to maximise his own profits with minor expenses to his own account. Indeed, it was standard practice for governors to use their administrative resources to further the private business interests of their friends, and provincials frequently complained of *legationes* being sent purely for the sake of private finances or to collect bequests left to them.[27] And when Atticus was trying to recoup a loan to the Sicyonians, he had recourse not only to a promagistrate, C. Antonius, but to the senate itself.[28] Rome's elite was thus able to shift the operational costs of this 'business' to the central treasury, while retaining most of the profits, manipulating their privileged positions to centralise and decentralise at will. These men had near complete control to spend and earn as public or private actors. As the dominant party in both state and society, they could channel costs and profits to and from either 'account', and were unlikely to do so at a personal loss. Costs were effectively recorded in the ledger of the state, income in the ledger of civil society.

This abuse of the public sphere to advance private wealth, in fact, underwrote a great deal of the East's financial history in this period. Beyond the formal tax farming systems dealt with in chapter two, we can easily see the connection between taxes and credit as a loose form of tax farming, one which articulated sharply the ability of the aristocracy to manipulate the relationship between public and private. As the Roman commander in his *provincia*, embodying the Roman state, Pompey could force a king like Ariobarzanes to pay tribute to Rome, but by compelling him to borrow the sums involved, he stood to profit privately from years of interest repayments.[29] This

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[27] Cic. *Flac*. 86; *Fam*. 3.8.5. The best treatment of legates used to manage private business is at Schulz 1997: 173-4, 197-9.

[28] Cic. *Att.* 1.13.1, 20.4. Antonius appears not to have been collecting debts when he borrowed some of Sulla's cavalry and plundered many in Achaea (Asc. 84C). The offence saw him prosecuted by Caesar and caught the eye of the censors when he was expelled from the senate. Atticus appears less harsh in Nepos' biography of him, where he refuses any prefecture for profit (*Vit. Att.* 6.4).

[29] Cic. *Att*. 6.1.3. See also Cic. *Att.* 6.3.5. It could be argued that Pompey was simply demanding payment to himself, but he no doubt would have argued that his depositing of 20 000 talents into the treasury

practice could apply to indemnities, taxes or any other type of failed payment.[30] Its affinity to tax farming is clear if we sum up the processes involved. Rome's magistrate demands some sort of payment to the treasury, but the provincials do not have the money on hand. Instead of engaging the treasury in the long process of collecting the tribute as the community raises it, a creditor pays on their behalf, and then collects the amount over a period of time through repayments. In his relationship with the treasury, the creditor is 'purchasing' the right to collect the tribute himself for whatever extra interest he can manage. Of course this was not tax farming *per se*: there was no contract between state and creditor, and the taxpayer only had resort to the creditor if unable to meet the obligation himself. But at the heart of the transaction was the use of private business to collect Rome's tribute. A community needed to pay tribute to Rome, and the interest on the loan was simply the creditor's price for taking on the lengthy task of collecting that tribute.

By this point in the process, Roman creditors had privatised the business of tribute to a critical degree. As a private lender, the creditor had every right and every reason to demand land as security.[31] He now could not lose, as a tax farmer might: if he failed to raise the sum expected, he could simply recoup land. Cicero, for example, wrote a *commendatio* for a certain Cluvius who was looking to seize security from Philocles of Alabanda, a debtor of Pompey's.[32] If a debtor could not close out his debt, he would part with mortgaged property, and this meant that a

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revealed the true destination of the treasure. In any case, he could only demand payment because he represented the Roman state.

[30] Magie 1950: 165-6: "A failure on the part of the farmer to deliver his [tax] quota, either in grain or in money, constituted a lasting obligation entailing a payment of interest on all arrears, and this interest the unhappy farmer was compelled to pay to the *publicani*. Usually, of course, it was necessary for him to borrow the funds, and the source of a loan would be a Roman banker engaged in business in the province. Thus the tax-gatherer and the money-lender together involved the provincial in continually increasing indebtedness." See also p. 251-2.

[31] There was nothing unusual about mortgages in ancient Greece. Strabo 13.3.6 tells an amusing anecdote about the Cymeans, who had lost the right to use their own stoas because they had defaulted on loans secured with public buildings. The incident probably takes place in the pre-Roman period. Finley 1985 examines the earlier Greek tradition of hypothecation. Mitchell 1993: 30 touches upon this phenomenon in Asia.

[32] Cic. *Fam*. 13.54.2. Some governors could even be given land in exchange for political favours (Cic. *Flac.* 85-6).

creditor could easily find himself owning land in the community, drawing rents from it *in perpetuum*.[33] The creditor in this instance becomes the equivalent of a tax farmer on a limitless contract. He goes from a fixed-term collector of the state's tribute in the form of loan repayments to one who collected it forever in the form of rents. Roman finance, therefore, could produce a rentier class drawing revenue from throughout the Mediterranean. The impact of decentralisation should not be lost. Despite the magnification of the original obligation to a transfer of property and a permanent revenue stream for the individual, the state's share never grew: the original levy, provided up front by the creditor on behalf of the debtor, was all that the treasury ever demanded or received from the provincials, while the financier pocketed interest repayments and eventually became the owner of land.

Representatives of the Roman state, therefore, could demand some kind of tax or tribute. They had little interest, however, in expanding the revenues of the *populus*, whose resources were more or less locked away for communal use. By introducing creditors to the equation, the aristocracy could ensure that the treasury received its due – but no more than that – at once. In the meantime, creditors were entrusted with the task of raising the sum from the provincials, creating a premium in the form of interest as their private share of the tribute. In collecting this debt, however, they could call on the generous assistance of the Roman people in the form of the governor of the province, who essentially covered the expenses of forcing repayment. If a debtor could not afford to meet the premium that had been charged, then land could be seized and the

[33] This may explain Cicero's comment at *Q.F.* 1.1.7 that Asia was vexed by both *publicani* and *negotiatores*, and Shatzman 1975: 69 stresses the importance of Roman force in seizing the people's security. The fruits of interest could lead creditors to refuse repayment until the debt had grown. Scaptius, for example, resorted to delaying tactics to prevent the Salaminians settling their account with him, preferring to drag the ordeal out longer (Cic *Att.*5.21.12). Cornelius Nepos praises Atticus for refusing to increase his profits by drawing out repayments from his foreign debtors (*Vit. Att.* 2.4). Creditors in Thessaly and Aetolia, however, were willing to lower interest rates to prevent a rebellion at Livy 42.5.7. Bernhardt 1985: 185 paints a startlingly optimistic picture of Greek urban finances, believing that cities were usually able to repay their loans but were simply unwilling. So also Kallet-Marx 1995: 277-8, who argues for the financial health of Pergamum by pointing out that the city erected statues to Diodorus Pasparos, despite the fact that one of Diodorus' great benefactions appears to have been convincing the Romans to grant financial relief in light of Pergamum's crippling debt. Against this view, see *inter alia* Broughton 1938: 545; Magie 1950: 160-2; Jones 1974: 121; Santangelo 2007: 61 for Diodorus Pasparos and 124-5 specifically for the Sullan period.

premium guaranteed as private property. Given that Roman senators and equestrians were unlikely to farm the land themselves, rents replaced repayments, and the economic fabric of the provinces was reordered to the immense profit of the Roman aristocracy. As some provincials lost their land to Italians, moreover, the whole city was penalised through the loss of taxpayers; a new landowner could convince the governor to exempt his land from taxes, and this forced the remaining inhabitants to meet their fiscal obligations with fewer and fewer landed taxpayers.[34]

Senators could not openly take part in this privatisation of public revenues, but they benefited in two ways. The first was through the underwriting of a creditor who was acting on a senator's behalf, as we saw with Cluvius, Scaptius and Gavius.[35] Once Cluvius had seized the mortgaged land in Alabanda, Pompey must have received some remuneration, since these were, after all, the *res Cn. Pompei*.[36] Secondly, forced sales of provincial property to cover taxes encouraged equestrians to invest in land outside Italy, easing the demand for Italian land and making it more affordable for senators.

There is no proof that the Roman aristocracy set out to construct a system of exploitation designed around maximising private profits, but it is inconceivable that they did not see the opportunities for rent seeking as they came to each step: few creditors lent money to a community

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[34] At Cic. *Fam*. 8.9.4, Caelius asks Cicero in Cilicia to exempt a friendly equestrian's land from local taxes, which he describes as *facile et honestum.* A similar case may apply at Cic. *Fam*. 1.3.2. *ILLRP* 513 records the granting of tax-free status to individuals in exchange for friendly acts to Rome; they were even exempted from contributing to a home community's public debts to Rome. Woolf 1998: 44 discusses the phenomenon of crippling property transfer in Gaul, though he focuses more on voluntary sale to meet tax obligations, and Sallust *B.C.* 40.2 has the Allobroges fighting for Catiline partly because of their *avaritia magistratuum* and partly because of the debts they had accrued. Mitchell 1993 discusses the same transfer of land through mortgages.

[35] The opacity of such arrangements was enough for both Cicero and (at least according to Cicero) Atticus to be stunned upon learning that Scaptius and Gavius were collecting Brutus' own money (Cic. *Att*. 6.1.5): *"Quod video tibi novum accidisse, tamquam mihi. Numquam enim ex illo audivi illam pecuniam esse suam; quin etiam labellum ipsius habeo, in quo est 'Salamini pecuniam debent M. Scaptio et P. Matinio, familiaribus meis.' Eos mihi commendat.*"

[36] Cicero was petitioned for prefectures by Torquatus for his agent Laenius and by Pompey for another of his agents, Sex. Statius (Cic. *Att.* 5.21.10, 6.1.6). The list of agents goes on: see Magie 1950: 254-5. Cicero also puts the exploitation of provinces by freedmen among common forms of greed listed at Cic. *Para. Stoic*. 46.

without expectation of profit.[37] The cementing of this system raised the stakes for local communities, and it placed a premium on effective leadership in each city. Not only did the best leaders win the most lucrative concessions from the Romans, but they minimised the dangers of creditors by managing their communities' debts and fiscal obligations. We will return to this aspect of the Roman tax system after briefly examining the opportunities for profiteering offered to governors in the regular administration of provinces.

### *Exploiting Regular Provincial Administration*

Controversy surrounds the historical process of introducing tribute to different provinces. The evidence is inconclusive, but tribute appears to be regularised in the two Spanish provinces under Ti. Sempronius Gracchus and L. Postumius Albinus between 180 and 178.[38] Kallet-Marx has attempted to argue against the imposition of tribute in Achaea prior to the Mithridatic Wars.[39] Even the details of taxation in Asia have their controversies, despite C. Gracchus' introduction of tax farming as a cornerstone upon which to build a reconstruction.[40] What is clear, however, is that by the end of the Republic, expansion had subjected all provincial communities to direct taxes except those which had been granted specific immunity from them.[41] To these agricultural

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[37] See the example of the Cloatii, references to which are at n. 109.

[38] Richardson 1986: 113, 116, 122-3, where Gracchus is given most if not all of the credit. Cf. Ñaco del Hoyo 2001 on the chronological vagary.

[39] Kallet- Marx 1995: 59-65. For the opposite view, *Paus*. 7.16.9, and Kallet-Marx gives references for those with whom he disagrees, to which we might add Dahlheim 1977: 126 and more recently Ferrary 1999: 70-1.

[40] Controversy surrounded the interpretation and date of a dispute between publicans and Pergamenes preserved at Sherk no. 12. See Badian 1972: 60 esp. n. 42. The problem is summarised conveniently at Dmitriev 2005: 201. Merola 2001: 36-8 discusses possible controversy over which Gracchus passed the *lex Sempronia.* Kallet-Marx 1995: 118-22 plays down the extent of Roman taxation even after the *lex Sempronia*, though we may hesitate to accept his case: see the arguments at Eckstein 1997: 366-7 and at Merola 2001: 61-2.

[41] See, for example, Dio 37.20.2, where Pompey's achievements in the East are summarised as having defeated enemies, founded cities, opened up lands *and established many revenues* (προσόδους τε συχνὰς τοῖς Ῥωμαίοις ἀπέδειξε) – the imposing of taxes was a fundamental part of expansion. Strabo 17.3.24

taxes, poll taxes and tributes, we can add an array of indirect taxes such as customs dues, tolls, pasturage taxes and rents. And this list does not include the local taxes raised by each city to cover its own expenses.

As harsh as all this appears, it still does not allow for the actual costs of provincial administration. It was not simply through taxation that the Romans derived their profits. For a governor to expand his personal profits by squeezing more out of his province, it helped to sniff out the exactions and dues which were payable to *him* rather than to the treasury or the contractors.[42] Once again, the untouchability of centralised revenues posed a problem for the profiteering governor. He did not profit directly from squeezing more out of the tithe, the customs dues or the rents on public land.[43] The *stipendium* paid by Spanish communities appears to have been fixed and, in any case, was owed to the treasury in Rome, whose defrauding posed more serious political risks. The best he could do with most taxes in the provinces was to conspire with the contractors who collected them in exchange for a slice of the profits.[44] Not that this should be

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defined a province (as opposed to an independent kingdom, a free city or some other minor exceptions) as an area to which the Romans sent a governor and tax collectors. Pliny tells us what proportion of cities in various provinces at his time were free from direct tax: e.g. 120 out of 175 in Baetica and 135 out of 189 in Hispania Citerior (*N.H.* 3.7, 3.18). Santangelo 2007: 57-8 sums up the difference between free and subject cities as being "not political, but economic," but this is more true technically than in practice. He is certainly right that that the *lex Antonia de Termessibus* forbade Termessus from taxing publicans, and the same proviso applied to the free city of Ambracia at Livy 38.44.4, as well as to all such cities, presumably. But Dahlheim 1977 220-1 notes that this forces free cities to participate in the movement of other cities' tribute, free of charge. He then stresses the impact of having a governor make his capital in a city like Pergamum or Ephesus, despite both being free cities (see also Ferrary 1999: 78-9). Magie 1950: 160-1 points out that even free cities were committed to supporting Roman troops as early as the war against Aristonicus. Bernhardt 1985: 183: shows that both free and stipendiary cities brought accusations against magistrates for misdemeanours in the provinces. Schulz 1997: 111-2 looks at some of the costs of entertaining the governor. Yet such expenses were necessary if cities were to maintain good relations with Rome: See Bernhardt 1985: 169-83; Kallet-Marx 1995: 129-30; Schulz 1997: 231; Ferrary 2002: 139-40. Ferrary 2002: 140-1 rightly points out that not all free cities were equal in their capacities or in the respect which they could command.

[42] Instances of magistrates simply seizing their allowance will be left untouched in this chapter, but there is plenty of evidence of such practices: Cic. II.*Verr*. 1.34; Cic. *Pis*. 86. Cicero himself may have benefitted when he received money from the *aerarium* in the name of his brother Quintus, who was governor of Asia at the time (Cic. *Q.F.* 1.3.7). We should also add that the governor's staff was playing at the same game. C. Trebatius was open about his plan to enrich himself in Gaul: Cic. Fam. 7.9.2; 17.1; 16.3; 8.13.1; 18.1.

[43] Unless he could find a way to seize them from the contractors, as L. Piso allegedly did (Cic. *Prov. Cons*. 5).

[44] See Badian 1972: 79-81 and Shatzman 1975: 57-8.

underestimated, but for many communities the worst of the profiteering – worse even than the illegitimate and legally indefensible instances of bribery and extortion – came in the form of extraordinary demands or the manipulation of the governor's own allowance.[45] Because an allowance was paid directly to his own purse, it could easily be converted from public levy to private profit.

Governors had an array of perfectly legitimate demands they could place on communities beyond the realm of regular taxation. Almost all were designed to provide him with his necessary supplies or to meet extraordinary circumstances, but the decision to call for such contributions was more or less at his discretion. The senate had attempted to clamp down on reckless requisitions during the war against Perseus, and by the time of Caesar's *lex Julia* of 59, most forms of profiteering were well known and were the subject of regulation.[46] Calls for grain, ships, sailors, gifts and hospitality, for example, were limited to the extent required by the governor to perform his task, but in practice the governor himself was the judge of what he needed.[47] The fact that the Roman magistrate genuinely needed certain resources for the state to perform its duties opened the door to a slew of excessive demands. The magistrate as public official could legitimately extract resources to some degree, but as a profiteering individual and the arbiter of his own public needs, he knew that he could extract more than the state sphere needed. It is worth stressing that he did not have to invent illegitimate demands: it was the manipulation of the state's justifiable needs which enabled the aristocrat to make his own profits.

[45] Kallet-Marx 1995: 119-20 argues that the Roman administration was eager to protect provincials in Asia, especially early in the history of the province, building a case on the epigraphic preponderance of favourable over unfavourable judgements. The latter, however, were never going to be advertised, and the body of evidence was therefore always going to be skewed; one would hardly erect an inscription commemorating failure or rejection. Nor did all complaints reach the authorities. Each embassy and each trial in the *repetundae* court, moreover, was surely the result of some offence. See Eckstein 1997: 366-7 and Ferrary 2002: 140-4.

[46] War against Perseus: Livy 43.17.2-3. Crawford 1999: 201-2 and Nicolet 2000: 198 both point to a tightening of the rules in the late Republic through better-codified legislation.

[47] Shatzman 1975: 58-62; Brunt 1990: 55-6; Lintott 1993: 105; Schulz 1997: 287.

In this context, rent seeking appears to have been standard practice. To minimise the governor's impact on local communities, a range of demands were supposed to be made in kind only, but this ultimately proved a small hurdle. A governor and his staff were understandably permitted to draw an allowance of hay, wood, salt and food from communities within their jurisdiction, and to accept housing.[48] Such contributions in kind must have slowed the process of profiteering, but they fell far short of preventing it. Grain (*frumentum aestimatum* or *frumentum cellae nomine*) could legitimately be converted to cash,[49] and governors abused their privilege by travelling to multiple cities in a day, drawing their 'daily' allowance more than once.[50] Cicero attributes to Verres a particular fondness for converting all of his exactions into cash, from grain and hides to textiles and bags.[51] Alternatively, differences in grain price within a province could be manipulated by demanding that grain from an expensive area be delivered at another, and then collecting the cash which a community willingly offered when moving the grain was deemed too difficult.[52] Treaties could stipulate the provision of ships and crews, but Verres allegedly dismissed the crew from one ship and sold the vessel for profit.[53] In some instances, there was no

[48] The clearest treatment is at Brunt 1990: 54-6, especially citing *Dig.* 1.1.18 on food for immediate consumption. Also Cic. *Att.* V.16.3, where Cicero boasts that he even spared provincials the wood and sometimes the accommodation. See also Lintott 1993: ch. 6. Shatzman 1975: 53-63 illuminates well the division between legitimate and illegitimate demands, both of which yielded a profit.

[49] Cic. II.*Verr*.2.147, 3.191. 3.188 specifically states that a modius of wheat could be converted to cash at four sesterces, and barley at two sesterces. There was good reason for this practice: the system of converting grain into cash was designed to be benevolent, allowing communities to get around problems of transportation and price differences, but it was easily manipulable. Cf. Broughton 1938: 574, Webber & Wildavsky 1986: 118.

[50] Cic. *Att*. V.21.5. Sallust claimed that corrupt governors could even cause the price of grain to fluctuate (Sall. *Hist*. 3.46 Maur = 3.83 McGush).

[51] Cic. II.*Verr.* 1.1.95.

[52] Cic. II.*Verr*.3.189-90.

[53] Cic. II.*Verr*.1.86-90. Consider the treaty with Messana at Cic. II.*Verr*.1.13. Broughton 1938: 571-2 gives an extensive list of ship requisitions. Flaccus even demanded ships partly *ornandi imperii causa* (Cic. *Flac.* 27) – the reversal of this policy by Q. Cicero apparently spared the cities great expenses (Cic. *Flac.* 33).

need to convert contributions into cash: Verres happily extracted labour for the free construction of a ship at Messana.[54] Cash, however, remained the preference.

These types of practice were sanctioned because, in the appropriate circumstances, they were necessary for provincial government, but the obvious problem was that the governor himself determined when the time was right. He did not need to justify his demands to the provincials. He could demand grain from the most distant cities despite the availability of more convenient supplies, knowing, as we saw, that cities would then choose to convert their grain payments to cash instead of sending grain the immense distances he unreasonably ordered. The governor's ability to impose terrible demands on his subjects – demands which would have been justifiable under more urgent conditions – allowed him to manipulate a sort of protection racket. The most lucrative manifestation of this protection racket was in the governor's ability to station his legions among provincial communities. It is clear that wintering troops among cities was a horrendous ordeal for the local inhabitants, but it was knowledge of that fact which allowed the racketeering of governors. By threatening to billet his troops, he encouraged locals to fund military accommodation elsewhere, anywhere but in their own city. They voluntarily coughed up. 'Rich cities', as Cicero styled them, would pay huge sums to avoid the wintering of troops: the people of Cyprus alone – not the wealthiest part of the Eastern Mediterranean – paid 200 talents to avoid what most have been a tortuous few months.[55] L. Piso allegedly imposed billets on Byzantium in frustration that he had been unable to squeeze money out of them in any other way.[56] Lest someone doubt the burden Piso was imposing on the Byzantines, we might turn to Caesar's admittedly prejudiced account of Metellus Scipio's billeting, which was imposed on the wealthiest cities of Asia as an indulgence for the troops, along with sizable bonuses and a free

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[54] Cic. II.*Verr*.2.13, 4.17. The cargo ship was built *operis publice coactis* for his own use.

[55] Cic. *Att.* V.21.7. The billeting of sailors in both summer and winter was part of Rome's mistreatment of Chalcis in 170 (Livy 43.7.11).

[56] Cic. *De Prov. Cos.* 5.

hand to pillage.[57] Probably even more oppressive was Sulla's billeting of troops among the households of Asia, which were ordered to pay each ordinary soldier four tetradrachms per day, and fifty drachmas a day to military tribunes.[58] Lucullus, knowing that billeting was the strong preference of the troops but was abhorred by the provincials, wintered his troops in camp, and paid a heavy political price for his decision.[59] The *Lex Antonia de Termessibus* explicitly states that Termessus was free from the obligation to winter Roman troops.[60] Billeting must have been horrendous, as it would remain throughout most of European history, and it is no wonder either that allies were spared or, crucially, that subjects would pay to avoid it.

Other demands were in cash to begin with and were easily abused. Direct cash exactions could be made through honorary gold (*aurum coronarium*),[61] contributions for entertainment at Rome (*vectigal aedilicium*),[62] money for the governor's own use (*vectigal praetorium*),[63] pay for rowers (*pecunia in remiges*),[64] contributions for monuments,[65] and general gifts.[66] Cicero made the point that demanding 100 000 sesterces in cash was likely to lead to a conviction, but

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[57] Caes. *B.C.* 3.31.4.

[58] Plut. *Sull*. 25.2. In addition to the money, each soldier was to receive a daily meal for him and any guest, while every military tribune was to receive two sets of clothing. These were obviously punitive measures following the massacre of 88.

[59] The testimony of Sallust is preserved at Plut. *Luc.* 33.3-4.

[60] *ILS* 38 col. 2 ll 11-3.

[61] See, for example, Cic. *De Leg. Agr.* II.59. See also Neesen 1980: 9 for this and the next five notes.

[62] Cic. *Q.F.* 1.1.26.

[63] Cic. *Att*. V.21.11-2: The people of Salamis on Cyprus were used to paying the governor more than the 106 talents they believed was owed to M. Scaptius! As early as 198, Cato saw the need to reduce the expenses of the praetor in Sardinia (Livy 32-27.3-4).

[64] Cic. *Flac.* 33.

[65] Cic. *Q.F.* 1.1.26, assumed at Brunt 1990: 55 to postdate the *lex Julia*. The practice might well have been outlawed in that legislation, but it might instead have been the subject of an earlier law. Tax-payers in the Phrygian city of Appia complained to Cicero that their magistrates were imposing new taxes to fund a building wanted by Appius and probably in his honour (Cic. *Fam.* 3.7.2-3). Verres demanded money for statues from every one of the 130 censors appointed by him (Cic. II.*Verr*. 2.137). Cicero asked Quintus not to interfere in the collection of funds for a statue decreed to Q. Publicenus (Cic. *Q.F* 1.2.12). See the brief treatment at Shatzman 1975: 55.

[66] Despite probably being outlawed by or before the *lex Julia.* Cf. Brunt 1990: 55. Cicero felt that the banquets and gifts provided to Verres in Asia were not worth stressing in a prosecution, presumably because they were so common (Cic. II.*Verr*. 1.18).

demanding 200 000 sesterces for statues gave Verres some sort of pretence.[67] Obviously these contributions were easy for the governor to keep as his own, and he could repeat the same exactions at community after community. When we consider that the Salaminians were handing more than 106 talents over to each governor, and we consider how many communities there were similar to Salamis, the extent of the profits becomes clear.[68] Cicero claimed that, while a mere legate, Verres punished an Achaean magistrate who refused to hand over cash to him; the offence was so common it was not even worth bringing it up in court (though he brought it up anyway).[69]

I want to stress that, in all of these instances, Rome's magistrates were able to abuse centralised authority to generate decentralised profits. Each of the exactions discussed above was for the execution of Rome's public administration in the province, or at least flowed from the majesty of Rome's representative. Without this public authorisation, few if any of these demands could have been made. They were possible because when the magistrate demanded them, the irresistible force of Rome demanded them. The trick for the aristocracy was to decouple the profits from the administration and the magistracy without losing either as a justification for them. These were not under-the-table bribes as we might see in so many other historical cases, but had technical names, appeared in Roman laws and theoretically served legitimate purposes, reflecting their origins in the operations of the Roman state.[70] It has been stressed elsewhere that the administration of Rome's empire was more amateur than professional, or more a matter of interacting social elites than the function of government institutions.[71] So many forms of extortion reveal that, whatever the practical reality, the concepts of Roman rule were more embedded in the operations of state than in the personal dignity of the magistrates. The aim of decentralised profits

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[67] Cic. II.*Verr*. 2.143.

[68] Supra n. 63. Cicero understood the damage caused by sums of that magnitude when he said that a similar amount to Scaptius would be the ruin of the city (*etenim erat interitus civitatis*).

[69] Cic. II.*Verr*.1.144. Cicero goes on to list the statues erected for Verres at Syracuse.

[70] Unmistakeable bribes did of course occur: see the treatment at Shatzman 1975: 54-5. Rosillo Lòpez 2010 also addresses this, but came into my hands too late to be included in this dissertation.

[71] Hopkins 1978: 41-3; Scheidel 2009: 16-8.

did not mean that legitimacy or coercion could be similarly decentralised. Aristocrats could not simply appeal to their high birth or to their undeniable ability to deploy the military unchecked; they needed the state (both as an image and a reality) in order to facilitate, to justify and to ensure their own enrichment as individuals.[72] The conflict between centralised coercion and decentralised profits did not in the end pose any insurmountable problems; because the state had both low autonomy and high coercive capacities, it could overwhelm its subjects but could not refuse the (sometimes illegitimate) orders of its rulers. It thus proved to be perfectly manipulable in flexing its muscles for the aristocracy's profits. In other words, it had the strength to generate funds, but lacked the autonomy to retain them. Elite Romans could not simply bleed the provinces under their own mandate. They relied on their control of state institutions to legitimise their profits. They justified their actions with facades of administrative or military necessity, knowing all the time that their control of the state allowed them to siphon off the immense resources being generated by state activity. As a result, they grew rich beyond the dreams of their ancestors, while the Roman people received only a portion of their empire's fruits.

*Revenues and Provincial Politics*

So long as the Romans were unwilling and unable to engage more directly in the process of tax collection throughout the provinces, they would remain reliant on local elites to manage affairs on the ground.[73] This placed an obvious premium on cooperation. What, however, was in it for the provincial leadership? Why should they assist Roman resource extraction? Was it simply fear of coercion, or were there more diffuse incentives? Much of what I have discussed suggests that nobody in the provinces could benefit from Rome's rule, and on some simplistic

[72] Bourdieu 1999: 72-3 talks of this need for state representatives to present themselves as disinterested, as part of the universal instead of tied to their own self-interest.

[73] Supra n. 3.

level this was undoubtedly true. Seen from another perspective, however, the Romans had merely altered the field without changing the game: local elites remained fixated on the performance of civic leadership. In line with the approach taken in analysing the Roman elite in this dissertation, it is worth elucidating the goals of provincial leaders and the incentives which tied into them. I assume that, in the first place, local elites were determined to maintain their political dominance at home, and that as a means to that, they needed to ensure their personal wealth and their ability to perform public service. I hope to show that Roman provincial management offered a series of opportunities for local elites to pursue these goals, and that, without doubting the importance of fear, it was these incentives which kept them cooperating with Rome.

Rome's demands for money and supplies made up the bulk of her interactions with the cities of the provinces. Each demand was a challenge which the local community had to meet. Each city needed to manage its own funds in such a way that it was not caught out when a governor or his staff came knocking – if it failed, it would either be forced into borrowing or compelled to sell the raising of its taxes, probably to Italian companies.[74] Well-placed leaders could win concessions, and the best could defeat the tax collectors in cases argued before the magistrates or senate.[75] A great many scholars have focussed on the need to manage relations with Rome, and there is little to add to their discussions here.[76] I want to focus, however, on a situation more complicated than the simple need to cultivate strong relations with Roman benefactors. The remainder of this chapter argues that Roman methods of extracting revenues made skilled local leadership an absolute necessity for every population, because the standoffish

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[74] See Cic. *Att.* 5.16.2 with the commentary of Shackleton Bailey. In this case, cities had either had extraordinary taxes placed on them or had been forced to place taxes on themselves to meet the demands of the governor. In either case, they were forced to sell the collection of taxes to outsiders due to their inability to meet the sum themselves. Cic. *Q.F.* 1.1.33 mentions the Greeks' inability to collect their own taxes, though the claim seems to apply specifically to the raising of Sulla's indemnity (infra n. 106).

[75] The best cases are those of Diodorus Pasparos, the details of which can be found Kienast 1970 and Jones 2000, and Menippos, recorded epigraphically and available at Robert 1989: 63-6.

[76] *Inter alia*, Dahlheim 1977: 36; Bernhardt 1985: 169-82; Ferrary 1997; Kallet-Marx 1993: 129-30; Lehmann 2000: 228-9; Merola 2001: ch. 2, 196. See also Savalli-Lestrade 2003: 53-4 on the tendency for scholars to focus on the context of Roman domination when studying Greek political leadership.

Roman administration forced each city or community to manage its own affairs. By delegating so much control, the Romans reinforced the indispensability of local leaders, gave them the freedom to manipulate the tax system for their own benefit and allowed them to exercise their monopoly on Roman social contacts to win concessions for their populations. In all of this, their position was strengthened.

The series of demands which Rome and her representatives placed on provincial communities required corporate responses from the entire community. Because Rome tended to deal with communities en masse, local leaders were required to coordinate the response.[77] It was easy for Verres to demand a fully-fitted ship from the Milesians, but it was still up to the leaders of Miletus to organise that the ship be manned, supplied and delivered on time, and this served to highlight the importance of their leadership to the city.[78] In fact, when Verres demanded a ship be built for him by pressed labour at Messana, a local senator was put in charge of its construction.[79] The same truth must have applied doubly when L. Murena ordered Miletus to build from scratch ten ships as part of their tribute: here coordination was needed to collect the funds to pay for the ships, presumably contract for their construction, enlist the men to sail them, collect the stores to supply them, and ensure that the whole process happened on time, within budget and to the standard demanded by the governor.[80]

In fact, this need for local leadership applied to most of the Roman tax system. The imperial centre lacked both the means and the intention to extract resources from each household in the provinces, and often built a reliance on local leadership into its systems of tax collection. Spanish communities, for example, raised fixed sums under their own aegis and handed them over to the administration. In the post-Mithridatic East, the leaders of most if not all cities

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[77] For the importance of dealing with peoples rather than states, see Reynolds 1988: 15, followed by Millar 2006: 124.

[78] Cic. II.*Verr*. 1.86.

[79] Cic. II.*Verr*. 4.19.

[80] Cic. II.*Verr*. 1.89.

negotiated *pactiones* with tax contractors, setting a corporate sum which the cities' leaders then had to raise themselves before payment could be made to the *publicani*. Even in Sicily, where local contracts were issued for each area's taxes, the *magistratus Siculus* played some kind of intermediary role between the individual taxpayer and the tithe collector.[81] Everywhere they ruled, the Romans needed the assistance of local elites, and the systems of tax collection which they chose to implement effectively (even if not intentionally) tempted those elites into cooperating. There is no doubt that Rome's rule was often resented and that it came at a high financial price, but the specific dynamics of the relationship placed a premium for all parties on effective local leadership. This afforded even the most resentful leader the chance to demonstrate his virtues and services to his community, a group of citizens who well understood the value of such leadership. In return for his services, his supremacy at home was reinforced. Both he and the Romans won in this situation: he kept his position as one of his home's leaders, and the Romans could rely on him to keep the resources flowing without too much trouble.

Though I have a similar stress on the material interests of local elites, I do not want to stress the class affinity central to the 'open conspiracy' model.[82] Instead, I would like to argue that cooperation hinged on the ability of provincial leaders to turn the processes of the tax system to their own advantage. The argument in this chapter represents Rome's system of exploitation as one which asked local elites to perform tasks which turned out to be to their political advantage at home. This system was probably never designed to produce these specific outcomes, and was perhaps never seen to do so even by those who participated in it, but it was nonetheless made up of a set of processes and transactions which were easily manipulated to the profit of the ruling elite in each subject city of the Empire.

[81] See Carcopino 1914: 33-4 and Bell 2007: 189-92. Cic. II. *Verr*. 3.26, 29-31, 36-7 leave little doubt that the tax collector and the individual taxpayer worked directly with each other in at least some communities.

[82] Supra n. 4.

The priority which the Romans placed on the city as an administrative unit is both clear and understandable. Pompey, for example, was so determined in Bithynia to create a system of regions centred around cities, that he was willing to found a city himself if a region did not already have one.[83] A similar obsession with city units was everywhere visible in the Roman empire.[84] It provided a ready-made administrative unit with local expertise and allowed Roman administration to continue its existence without building up a bureaucratic structure at odds with the aristocracy's conception of leadership.[85] In Sicily, for example, it would have exhausted the governor's capacities to have an official attend to every payment, though Cicero claims that all praetors in Sicily always held assizes during the harvest season to inspect the grain on the threshing floor (*omnes Siciliae semper praetores*).[86] This was the most that could be done by the magistrate himself – to do more would have raised monitoring costs to unmanageable levels.[87] By having the cities take on the burden of recording each tax contract, and by limiting the efforts of the governor to those instances in which a tithe collector appealed to him, the Romans drastically reduced their monitoring costs.[88] Rome thus ceded to its peripheries part of its autonomy, but made a drastic saving in administrative costs. For this exchange to work to the Romans' profit,

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[83] Broughton 1938: 531-2 has a discussion with references.

[84] Reynolds 1988 is an excellent overview. See also Mitchell 1999: 30-1: "Cities, to a greater or lesser degree, took responsibility for collecting taxes and other dues owed to Rome, provided services in kind, policed their territories, and provided the infrastructure for local economic organisation. Embassies were conducted on the basis of cities." He goes on to point out that any similar unit would do, from village to federation, so long as it could meet the administrative tasks expected of it, but that the city was the most common (so also Dmitriev 2005: 310). See also Dahlheim 1977: 64-5, where he claims that the city was never superseded as the top administrative unit in the ancient world, along with Lintott 1993: 129: "The comparatively limited duties of the governor…only made sense when they were the superstructure of local autonomy, whether the communities in question had the privilege of freedom or not." Also Ferrary 1999: 71-2 on the extent to which a governor could rely on the administrative capacities of cities. Finally, on the city as abiding unit in Sicily, the oldest province of all, see Prag 2007: 260 and Bell 2007: 195.

[85] See the similar advantages of tax farming in ch. 2.

[86] Cic. II.*Verr*. 5.29. Travel in midsummer had the added advantages that the governor could take note of the slaves and labour in the fields and easily draw his grain allowances while on the road.

[87] Infra n. 120.

[88] Kiser & Kane 2007: 200. Schulz 1997: 223-4 examines the high transaction costs which discouraged even appeals by *decumani*.

however, they had to be confident of the provincial elites' participation. There were two main factors in ensuring this: coercion and self-interest.

Coercion is an easy factor to identify. Should the local elite fail in its cooperation with the Romans, they knew that they would be subject to the governor's considerable coercive resources.[89] In fact, the framework of taxes and contributions actually made coercion an easier proposition for the governor: by demanding that payments be made on a community-scale, the focus of responsibility was narrowed. If the tithe amount agreed upon in the *pactio* was not delivered, it was not a matter of working out who had or had not paid the tax and recouping the amount from each farmer; it was merely a matter of dealing with the magistrates responsible for the entire payment. The city system clearly identified magistrates who represented the whole, and they must have known full well that they were subject to punishment if they failed to raise the sum required by the governor or the contractors. Cicero claims that, when Verres wanted a sum of money from Sicyon, he demanded it of the magistrate, and upon being refused he directly punished the magistrate, certain that it was his decision to hand over the money or not.[90] Similarly, the tax collector, Apronius, allegedly tried to squeeze the community of Agyrium beyond what it owed him, and his corrupt governor, Verres, promptly hauled the magistrates and five leading citizens to court in Syracuse. He condemned them to heavy fines, and under threat of death by flogging, these representatives eventually begged to give up their own private property. When the final judgement came, it ordered the leaders of Agyrium to collect 33 000 *medimna* of grain and hand them over to Apronius along with a fee of 60 000 sesterces. The leaders were threatened with coercion, but most residents of Agyrium seem not to have even met with the tax

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[89] The elite also knew that any act by their city in peace or war might later be translated into a tax status. If the city defied Rome politically, its taxation could be altered regardless of the status of its neighbours: see Dahlheim 1977: 64-5. Hence the city-scale tax unit also allowed Rome to set the tax terms for each community based on its specific performance in times of crisis; see below.

[90] Cic. II.*Verr*.1.44.

collector or governor.[91] The same point can be made in other cases. The well-documented plight of the Salaminians involved debt rather than tax, but this makes no difference for our purposes here – either way, it was the elite who had to live with the consequences.[92] Although the original debt appears to have been taken out by the Salaminians as a people in order to fund an embassy in Rome, the full force of coercion was felt only by the leaders who were locked in the senate house and starved. Scaptius knew that whether he was to collect the debt or not depended entirely on the actions of the city's leaders, and Cicero never mentions any act by Scaptius' cavalrymen other than the siege of the senate house. He never attempted to collect the debt himself from the various citizens, but focussed on pressuring the leaders to comply with the contract, or at least his version of it. This was a very economical use of coercion.

The exercising of force was not, however, what lubricated the system of payments. At most, we might fall back on Levy's concept of 'quasi-voluntary compliance', in which taxpayers willingly participate in the tax system out of fear of coercion, freeing the ruler from actually having to manifest his (often costly) coercive potential.[93] It was, in other words, the permanent threat of force which made coercion so rarely necessary. Revolt was only a real possibility when external actors like Mithridates VI or Sertorius appeared, not only as preferred military alternatives, but as preferred fiscal ones.[94] The issue of coercion is, however, a red herring. Obviously it played a part in a structure as military as a Roman province, but the compliance of local elites was more a matter of carrots than sticks. More than anything, local elites wanted to remain wealthy and preeminent at home, and built into the system of Roman taxes and exactions were a set of incentives which satisfied this goal of maintaining the domestic status quo.

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[91] Cic. II.*Verr*. 3.67-73. This is an incident which shows that the Sicilian tithe could at times be collected on a city-scale.

[92] Supra n. 25.

[93] Levy 1988: 49. See also Mann 1977: 272-3.

[94] See below. See also esp. Edmondson 1996: 188-9 and Merola 2001: 51. Webber & Wildavsky 1986: 33: "Alternatives are important because the choice is never between 'something and nothing,' but 'between rival regimes'." People must, of course, have a clear idea of what system they want to have before they revolt from the one they do have.

Provincial elites were no keener than their less prominent compatriots to lose part of their income to Roman tax collectors. Large estate owners stood to make enormous savings if they could evade part or all of their tax obligation, and there is little reason to think that they hesitated to shift their share of the burden onto smaller, weaker farmers when they could.[95] The Roman tax system in each province was – to a greater or lesser degree – well suited to this evasion by the most prominent. Schulz has stressed that magistrates and tax farmers needed the cooperation of the leaders in each community to carry out their own business: they needed them for their local knowledge; they feared that non-cooperation would raise transaction costs; they knew that provincials could form friendships with powerful Roman citizens in local *conventus*; more than anything else, in a province like Sicily, they were aware of their enormous influence over the arbitration process in jury trials (*in iure* or *apud iudices*).[96] Local leaders decided whether to go to the authorities to appeal against the claims of tax collectors, or whether to seek prosecution for extortion at the end of a governor's term.[97] To some extent, their importance to the tax system gave them the sort of bargaining clout that untaxed Roman citizens lost as the tax burden was transferred abroad. The richest and most powerful members of any community could therefore look forward to a degree of favourable treatment from the Roman governor and tax collectors, though the particulars varied from province to province.

In Sicily, since each farmer drew up an individual *pactio* with the *publicanus* for each estate, the most powerful could negotiate better deals for themselves, but the losses from that contract would have to be made up by the contractor in his dealings with smaller farmers. The weaker farmer, therefore, was picking up the bill for the more powerful ones. Wilson finds

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[95] Schulz 1997: 218-20, assuming the use of tenant farmers instead of slaves.

[96] Schulz 1997: 225-32. The importance of courts is particular to Sicily, where each region of the province had its own courts.

[97] Cicero stressed that only a single city sent ambassadors to praise Verres during his trial (Cic. II.*Verr*. 2.13). Catiline was accused by embassies of misgovernment in Africa (Asc. 85C). See also Schulz 1997: 231 and Dmitriev 2005: 147-52, where they stress that elites actually wanted to form expensive embassies to earn honours at home. For appeals against tax collectors, see Ferrary 2002: 144 and supra n. 75 for the Diodorus Pasparos and Menippos inscriptions.

confirmation of this in at least one source: "We do not hear in the *Verrines* of the really big and powerful landowners, precisely because Verres was too astute (or two scared) to have tangled with them: rather he sets his sights on the smaller landowner and the tenant farmer, who were softer targets than the big *domini*."[98] The ability of the city's leaders to manipulate the distribution of the tax burden was institutionalised in the office of censor. This magistrate was responsible for recording the total wealth of each citizen, from which each individual's tax assessment was derived, and was therefore in complete control of the distribution of taxes.[99] During Verres' term in Sicily, Cicero claims, the censors bought their offices and lowered the assessments of the rich, raised them for the poor, and threw the finances of the cities into disarray. Verres' successor was forced to act on the censuses taken before Verres' arrival.[100] The political and administrative realities of Roman Sicily (i.e. the importance of local leaders to the smooth operation of the system) allowed the wealthiest and most powerful to take care of their own interests, to pursue the best deals for themselves, shifting the tax burden onto those farmers less capable of staring down a tax collector.

In the eastern provinces, where city-scale *pactiones* were the norm, or in a province like Spain, in which a community raised a fixed sum to be paid en masse, it was even easier for the elite to shift their own obligations to the rest of the community. By managing the whole community's tax payment, leaders were able to play with the numbers to ensure that they did not take on a greater share of the tax burden than they wished. Local corruption in this system was no doubt rife, and Cicero found as much in Cilicia.[101] At an assize in Laodicea, Cicero claims to have cleared many cities from debt, in part by cracking down on magistrates who had been

[98] Wilson 2000: 159. He goes on to argue on the basis of archaeological evidence for a large quantity of medium-sized farm in Sicily.

[99] Cic. II.*Verr*. 2.131.

[100] Cic. II.*Verr*. 2.138.

[101] Fröhlich 2006 is a complete and lengthy investigation of corruption in Greek cities.

profiting from public money.[102] In a rhetorical context, he assures voters that the falsification of city accounts was extremely easy, and cites one instance of a local magistrate who pocketed the money he had been paid to supply public grain, forcing the city to provide it out of its own revenues.[103] Livy has Hannibal antagonise the ruling elite of Carthage by pointing out that the indemnity could have been paid off without imposing *tributum* on the population, if only they had curbed their corrupt management of the process.[104] Cicero makes special note that that the expenses of Rome's administration (*sumptus* and *tributa*) were distributed fairly during Quintus' governorship in Asia, presumably surprised because this was not usually the case.[105] By organising the distribution of the tax burden, or by conspiring with contractors who were awarded the collection of the total amount, local elites could be sure that they benefitted from the 'service' which they were performing for their cities. This as much as anything must have kept them interested in perpetuating the Roman system of taxes and levies.

Managing the city's fiscal business, therefore, allowed elites to reduce their own share of the burden, but it offered an additional, more important, benefit. Besides economic advantage, the elite's goal was political leadership at home. As soon as a Roman governor or tax collector imposed a collective tax burden on an entire community, he stepped away from personally collecting it from each taxpayer, and this put the onus for coordinating the lump sum on the local elite. In the East if not elsewhere, city magistrates had to negotiate the *pactio*. At both ends of the Mediterranean, these same city magistrates had either to apportion the sum among the taxpayers, or to contract for its collection by private businessmen.[106] City magistrates were thus in charge of

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[102] Cic. *Att.* 6.2.5, with Badian 1972: 114.

[103] Cic. *Flacc*. 21, 45.

[104] Livy 33.47, where Hannibal is 'Romanised' as a praetor, battling the corrupt Carthaginian rulers.

[105] Cic. *Q.F.* 1.1.25. Jos. *B.J.* 1.524, 1.625 and *J.A.* 14.163 illustrate the tendency for elites – in this case royal – to profit from Rome's financial demands. Jos. *J.A.* 14.201 has Caesar remit part of Judaea's tribute, and explicitly forbids anyone from paying the old amount, careful to prevent the local elite from continuing to tax the old amount, providing the Romans with the new amount, and pocketing the difference.

[106] These were not mutually exclusive. In any case, the former system may have relied on the payment of the whole sum by the wealthiest, who then recouped it from the rest of the citizen body. Such a method is

collating the information needed either to make an accurate distribution of the total sum or to negotiate with contractors. They then had to ensure that their obligation to the Romans was paid on time and in the right location. Especially where the tax was paid in grain, this must have been a challenge of coordination. The *Monumentum Ephesenum* implies that the tithe owed by communities in Asia had to be delivered to designated depots at specified times, and caters for the demands of this task.[107] All of these tasks required administrative expertise, and whichever group could meet that demand would inevitably become the political elite. The existing hierarchy, previously trained in the business of the city, obviously had an advantage in shaping itself as this knowledge elite.

As part of their wide array of responsibilities, then, the elite had to organise their communities for tax purposes and manage the relationship with Rome.[108] The knowledge and coordination involved in this task reinforced their superiority by establishing another level in which they were essential to their community. This was a direct result of the thinness of Roman provincial government. By shifting the burden of administration onto each city's leadership, it raised the community's reliance on their expertise and reinforced their distinction. Once again, the episode of the Salaminians best attests to the unity of administrative and political leadership which Rome's financial activity created. By the time Cicero met with Scaptius and his Salaminian debtors at Tarsus early in 50, the episode had already reinforced the leading Salaminians in their political supremacy. Even when besieged in their own senate house, even as some of them starved, they were living and proving their own importance within their

well known in the Greek world, and was hypothesised for *tributum* at Nicolet 1976:46-55. Broughton 1936 and Merola 2001: 115-6 both point to the sale of regular tax collection at Cic. *Att.* 5.16.2, though a better interpretation is offered by Shackleton Bailey in his commentary of the passage, in conjunction with *Fam.* 3.8.5: the *onai* referred to are special exactions of Appius, or at least the taxes needed to meet them. Cic. *Q.F.* 1.1.33 claimed that the Greek cities had been unable to pay Sulla's indemnity without the aid of *publicani*, which may simply be a reflection of the scale of the indemnity and the ruthlessness required of its collection.

[107] See the commentary at Cottier 2008: 130-1.

[108] For a basic guide, see Hansen 2006. For a more thoroughly documented exploration, see Dmitriev 2005. Reynolds 1988: 31-4 explores what we know of local administration in the imperial period.

community. It was with them that Scaptius wanted to transact his business, and it was upon them that the fate of the debt to Brutus hinged. Then, to meet Cicero, specific representatives were chosen (we do not know their individual identities or how they were picked), again reinforcing the importance of certain notables within the city.[109] The reason why they were chosen was clear when they came before the governor: at Cicero's command, they produced a detailed account of the principal, the interest accrued and the total amount outstanding.[110] In all that had taken place, fastidious management of the city's finances was irreplaceable. In taxation and borrowing, each city assumed administrative burdens, but each burden produced a body of men who became honoured in their indispensible service to the community. Their extraordinary absence from a public assembly about debt in Tralles could be construed by Cicero – with extremely self-serving ends, it must be admitted – as a disaster for the city's management; without their expertise, a dangerous demagogue could tell the citizens all kinds of untruths.[111] Their interactions with their citizens was also clear when the latter opposed expensive plans to curry favour with the Romans.[112] The leaders of Sicilian communities sent representatives to the auctions for their tithes with instructions and, since they might bid to collect their own taxes, they must have possessed the data needed to calculate the impact of any given bid.[113] Sicilian cities also had to coordinate the collection of additional tithes ordered by the senate, and then manage the money paid by Rome for this extra grain.[114] When Verres demanded the farmers of Agyrium pay an inflated tax rate to their tax collector, it was again the leaders who were brought to Syracuse to stand trial for refusing the payment, who were then threatened with death, and who then had to

[109] If the need was dire enough and the friends were available, Roman acquaintances could be sent to represent a community, as at *SIG*$^3$ 748, where Num. and M. Cloatius are honoured for their advocacy of Gytheion. Debt even took hold in areas which were not yet Roman provinces: see Cic. *Flacc.* 11 for the case of pre-Caesarean Gaul.

[110] Cic. *Att.* 5.21.12.

[111] Cic. *Flacc*. 54.

[112] See the case of Appia at Cic. *Fam*. 3.7.2-3.

[113] Cic. II.*Verr*. 3.88-9, 99.

[114] Cic. II.*Verr*. 3.165, 171-6.

divide up and collect the harsh payment from their citizens to prevent harsher penalties.[115] Cities with fixed tribute, or which had pre-negotiated a tax payment, had to be able to adjust their distribution of the burden depending on crop failure or demographic change.[116] And, importantly, as the burden became more onerous and more difficult, their service to their cities became greater and more indispensible. The political benefits of the Roman tax system thus matched themselves to the obligations demanded. Instead of simply costing each community's leaders, increased exactions actually increased the domestic benefits of participation and the performance of administrative work so desperately needed by their constituents. This was a major strength of the system. As Rome's demands grew more extreme, so did the importance of effective local leadership. This meant that each new imposition from the governor offered commensurate civic honours to whichever leader could rise to the challenge and placate the hegemon at the lowest cost. Local leaders therefore saw incentives to participate, and this provided a kind of shock absorber preventing the most rapacious magistrates from ruining the whole system. The more challenging the demand, the greater the service of the local leader who met it. As a result, the Romans always found leaders willing to satisfy their impositions, no matter how extreme.

This dynamic might apply so long as the public property of the city and the private property of the elites were preserved. If either were threatened, then discontent could bring the system down. Each will be examined in turn. The importance of public property can be seen in the numerous occasions in which appeal was made against contractors who tried to tax public or temple land: the temple of Artemis at Ephesus, the temple of Athena Ilias at Troy, the temple of Athena Polias at Priene and the temple of Amphiaraus at Oropus all complained of the publicans' encroachments on the territory of their divinity, while the people of Pergamum complained of the

[115] Cic. II.*Verr*. 2.3.68-73.

[116] See Cic. II.*Verr*. 3.120, where the number of farmers suddenly dropped in various areas because it was cheaper to abandon the land than pay tax on it.

same on their public land.[117] Verres' attempt to make off with Thermae's public sculptures apparently unified its senate and they – again acting out their role as the community's leaders – managed to prevent him from seizing the statues.[118]

Provided that mismanagement did not result in losses for the city, then, the responsibilities delegated to the local elites of the Empire offered economic and political incentives for cooperation. The tax systems employed in the provinces survived because these existing elites throughout the Mediterranean found it easy to manipulate fiscal transactions and processes to reinforce their own dominance. The Romans demanded a significant amount of administrative labour from their subject communities, but far from alienating local elites, this burden provided opportunities for each city's leaders to cement their rule and to control their share of the tax bill. It is worth noting, for example, that the great massacre in Asia of 88 occurred after a generation of direct collection by *publicani*. This system placed the administrative burden on the shoulders of the contractors who collected each farmer's tithe, and cut the local elite out of the process.[119] It reduced – though did not eliminate – the opportunities for the wealthiest to shift the tax burden onto others, because each household had to deal with the tax collector on its own. By treating all taxpayers in the same category, the Romans denied local leaders any controlling stake in the system, imposing a fiscal structure at odds with the social and political structures already in place. This was a dangerous enterprise, and the Romans wisely made changes.

The system they adopted, relying on the cooperation of local notables as they did in other areas of the Empire, had important sociological ramifications. By rewarding those who had administrative skills, leadership positions and social networks among the Romans, the tax system further cemented the already privileged in their position atop each area's hierarchies. In other

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[117] Strabo 14.1.26; *OGIS* 440; *Ipr* 111, ll 112-23, 140-4; Sherk 1969: no. 23; Sherk 1969: no. 12.

[118] Cic. II.*Verr*. 2.88.

[119] I am here following Broughton's view that *publicani* in Asia collected the tithe from individuals prior to the Mithridatic Wars, but that city-scale *pactiones* were employed after Sulla or Pompey (Broughton 1938: 537). Merola 2001: 103 outlines the debate with references.

words, those who were already literate, already experienced in holding magistracies and already had occasion to meet with Roman officials or businessmen were the only ones to whom the rest of the community could turn, and this bound the status quo to survival under Roman rule. These local leaders did not have to enjoy Roman rule to follow these incentives – they needed only to be motivated by honours and positions of leadership within their own cities. The Romans, whether they were explicitly aware of this dynamic or not, must have been happy with the results.

*Fiscal Structures and Political Boundaries*

It was not merely the costs of monitoring which Roman tax farming managed to reduce.[120] By foregoing the task of collecting the taxes, Roman magistrates reduced the number of claims made before them, effectively reducing the political costs of actually having to extract part of a taxpayer's income. The initial system of tax farming in Asia involved Roman contractors collecting the tithe from each individual taxpayer, which created an enormous number of sites in which Romans and Greeks had to interact. By involving themselves in so many acts of collection, the Romans were focussing contention onto themselves. At the same time, moreover, they were collapsing pre-existing boundaries between local elites (who had been demanding taxes) and local non-elites (who had been forced to pay them). The same process can be seen in the context of seventeenth century France. When an outside tax collector came to a town, both elites and non-elites would reinforce each other in resiting Paris' demands. Even if part of the population turned violent, there was no guarantee that the well-to-do town militia would unanimously protect the tax collector.[121] In this instance, both elites and non-elites had a common enemy in Paris' taxman. But what was most at issue was the provincial elite's loss of control to a centralised fiscal structure. The incentives for cooperation examined in the previous section relied on Rome's

[120] Monitoring costs are particularly stressed at Levy 1988: 93 and Kiser & Kane 2007: 195.

[121] Beik 1997: 80-2, 115.

delegation of responsibility to the local elite. The early tax system in Roman Asia, however, seems to have put the *publicani* in charge of collecting each individual contribution, sidelining the elite who became mere taxpayers like every one else. The shared plight of elite and non-elite locals made it more likely that the entire population would unite in resisting the demand for tax.[122] It was this kind of unanimous animosity that permitted the horrors of the 'Asian vespers' of 88, and it probably also explains the shift in tax farming practices from individual collection to the city-scale *pactio*. The latter reintegrated civic leadership into the process of tax collection.

Elsewhere in the Empire, taxes and levies had almost always been paid on this kind of community-scale.[123] By forcing elites to take control of their communities' administration, I have argued, they removed local fears that the imperial master would take over existing domestic dominance, essentially earning the compliance of each city's leadership. But it also made the local elite into a buffer between the bulk of the population and the Roman governor. By demanding that each community divide up, collect and hand over its own tax burden, the minor politics of taxation were removed from the hands of the Romans. It created – or, more accurately, maintained – a boundary between elite and non-elite citizens of the provincial communities, not only fragmenting their responses to Rome's rule and drastically decreasing the workload of the provincial administration, but removing Rome from tax collection as a potentially contentious site of interaction. Instead, protests over individual acts of tax collection were kept within the city, where local magistrates and contractors had to deal with them, and where resort to local courts left the governor safely on the sidelines.[124] By thus lightening their involvement in everyday life, and removing themselves from so many interactions of government, the Romans reduced the chances that they would be caught up in protest. Where Romans were collecting taxes on the

[122] A very similar dynamic is applied to Ottoman and rural French contexts at Barkey 1991.

[123] There were exceptions: see chapter one.

[124] Local jurisdiction often reigned by specific decree of the senate, but even subject cities tended to judge their own cases when no Roman citizens were involved. See Lintott 1993: 154.

ground, on the other hand, the boundary between local elites and non-elites was collapsed, putting them in the same boat and inviting a more unified hostility against the Roman tax collector.

To recap, local leaders wanted control of the tax systems in their own cities. If the Romans granted them this, usually by collecting a single communal payment from the whole city, then the local leaders saw some reason to play along. The Romans also benefitted because every contentious act of tax collection was a local matter, to be solved on the local level and beyond the purview of the governor. Local taxpayer and local tax collector were essentially pitted against each other. When, however, the Romans sent their tax farmers to collect the individual payment of each farmer or merchant, they invited the disgruntlement of collection onto their own imperial presence. The governor now had to mediate between Italian tax collectors and local tax payers. Most dangerous of all, local elites no longer had any incentive to cooperate with the Romans; they could not win local honours for their good management, nor fix the system for their own advantage. As a result, it became far more likely that they would join forces with the rest of their taxpaying compatriots in resisting Roman rule. A more interventionist tax system, therefore, encouraged the local elite to unify with the rest of the community in opposition to Rome's rule; a lighter touch, however, allowed local notables to fill the administrative gap and gain some satisfaction from their position of leadership, making opposition less likely.

The ceding of administrative control to the provincial cities also had effects on the larger scale of regional politics. The city-scale *pactio* and the *stipendium* systems made the community the basic fiscal unit, which left each community in its own predicament, unaffected by the fiscal situation of the next city.[125] The result was that hardships caused by taxes and levies were clustered within each community, making it far less likely that grievances would spread among

[125] Again, Sicily may provide a slight exception in its administrative structure, if the *commune Siciliae* was of any importance. It is unclear whether Sosippus of Agrigentum was representing the *commune* when he spoke to the senate on behalf of all Sicily (Cic. II.*Verr*. 3.204), but there were statues in Rome dedicated to Verres inscribed *a communi Siciliae datas* (Cic. II.*Verr*.2.154). If Cicero is right that none of those who supposedly dedicated the statue had any fondness for Verres, this may in fact be evidence for the emptiness of the institution. See Larsen 1968: 128-9 for the details of the *commune*, with Bell 2007: 195 on its possible importance for provincial politics.

elites in different cities. In other words, common class did not mean common experience. Instead, each city formed its own administrative cell, and had to deal with the Romans individually. The unity of the province was thus broken down, and with each city having to deal with its own problems and fight for its own concessions, there was a reduced chance of cooperation among the different cities. Aiding another city could actually pose risks: if my neighbour managed to pay less tax, then the contractors would likely try to make up their losses in my own territory. This 'spoked' structure, in which each individual unit of the periphery was linked by its own connection to the centre and not to each other, can be seen in the various embassies which individual cities sent to Rome, each seeking advantages for its own cities, and following its own city's policies.[126] For the trial of Verres, each of the most important cities in Sicily tried to avenge its *own* sufferings.[127] In the East, we have already seen the examples of Menippos and Diodoros Pasparos.[128]

The Romans made themselves the centre of the wheel and the 'spokes' only ran radially. To preserve it, they broke up local federations and alliances, a process undone by Augustus in search of greater efficiency and easier regional negotiations.[129] Prior to Augustus, however, there was no obvious broker for regional cooperation because the Romans monopolised the communications of an overarching authority. The great danger to this structure, of course, was posed by external actors who could broker new connections between the various provincial constituencies. Examples abound: Hannibal, Viriathus**,** Mithridates, Sertorius, the Parthians, or

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[126] Schulz 1997: 231; Mitchell 1999: 30-1; Dmitriev 2005: 147-52.

[127] Cic. II.*Verr*. 2.11. It is difficult to tell from Cic. *In Caec.* 2-3 whether the Sicilians made a unified request for Cicero to take up the prosecution of Verres, or whether all had come separately – or, indeed, whether anywhere near as many Sicilians approached Cicero as he claims. Bell 2007: 195 posits a strong presence on the part of the *commune Siciliae*, which would offer far more unity amony different Sicilian cities.

[128] Supra n. 75.

[129] Ando 2000: 61: Augustus' "measures had the additional advantage that they directed loyalties and patriotic sentiments away from the individual polis and toward a larger community." But see the previous note on Sicily. It is also unclear to me why these measures did not equally direct frustration and hostility in the same direction. See also Reynolds 1988: 30. As far back as Mommsen 1909: 174-5, the Roman practice of fracturing regional networks was understood.

even a Roman figure like M. Livius Drusus *tr. pl.* 91 for the Italian allies. Provincial stability, therefore, relied on the preservation of this rigid structure, and the tax system played its part in this; it was also clear to challengers that the creation of new ties could quickly upset what the Romans had put in place. Without these rare brokers, however, the administrative structure made it difficult for the provincial communities to act as a collective, and this was yet another way in which the Romans sought the survival of the status quo.

Diplomacy and taxation came together to create a provincial system of largely autonomous cities throughout the Roman empire. By treating each city as its own unit, and by offering them control of their own fiscal affairs, the Romans demanded a lot from the local elites, but this was exactly what they wanted. A more centralised system of tax collection would have robbed them of the chance to shine, to do their communities various services, to become indispensible to the lives of each of their fellow-citizens. When we concentrate on the sums involved, it is nearly impossible to escape the conclusion that the provincial elites lost a lot and gained nothing from Rome's domination; we are forced to rely on coercion or common class culture as means of explaining the relative stability of the provinces. Instead we can seize upon the effects which Rome's demands had on the internal relationships of the individual cities. What emerges is a dynamic in which harsh demands made effective coordination and leadership absolutely necessary to the community, thus reinforcing the pre-existing hierarchy in each locale.

These demands were unpredictable. Each governor played by different rules, if only because he had to find his own ways to manipulate his public position to increase his private wealth. The influx of contractors, creditors, provincial staff and senatorial decrees could not be ignored by any provincial community, but in the added stress that each one caused, the value of effective local leaders also increased. Once a few notables had earned leadership in this environment, they had the knowledge and administrative opportunities to keep themselves ahead economically, because they could reduce their own tax payments.

The interactions of public and private examined in this chapter were ubiquitous throughout the provincial tax systems. Both Roman and provincial elites were forced to operate as public actors, within public institutions, performing public functions. Roman magistrates demanded payments from bodies politic, which local magistrates then had to organise and deliver. But the Roman magistrates then strove to convert these public exactions into private wealth through a variety of mechanisms, from simple theft to a more drawn-out process of transforming tax or tribute to loan repayments and private rents. Local elites tolerated this system partly because it allowed them to shine in their roles as the cities 'managers', and partly because it supplied them with the means to avoid their own private share of the tax burden. The tax system provided yet another set of public rules which private elites could manipulate to their own political and financial benefit, and this played a large part in ensuring its relative stability.

# Chapter Four

## The Gracchi, the Aristocracy and the State

In our explorations thus far we have seen a Roman tax system in which the state had a relatively minor role. A reliance on contractors and local elites allowed the state to minimise its bureaucratic involvement, avoiding the investment of resources in new state capacities and limiting demands on state agents. This minimisation of the state was, however, reflected throughout Roman government. Despite the transfer of Mediterranean resources to Italy, and despite the growth of the population needing to be governed, the Roman state saw only minor growth in the course of the Republic. It is true that parts of infrastructure were transformed, but the penetration of the state into society – whether through increased rule-making, expanded obligations or added benefits – was of an entirely different order from the increase in resources. The state could have been revolutionised by the resources it could now tap, and under Caesar and Augustus it was, but a course taken by so many rapidly expanding peoples, was for the most part avoided for more than a century at Rome.

In this chapter, I will try to explain why that was the case, and to re-examine one episode of Roman history, which, I believe, both demonstrates the incentives that prevented a thicker state and is itself better understood when seen through the lens of state creation. The tribunates of Tiberius Gracchus in 133 and, even more so, of Gaius Gracchus in 123 and 122 constituted attempts to transform the role of the state within society, in that they sought to solve social problems through government programs and insisted that the treasury be deployed for the benefit of the broader population. In this respect, the brothers flew in the face of a Roman tradition which, up to that time, had minimised the state's permanent penetration of society and reserved the first fruits of empire for the elite. Individual crises could be met and one-off programs of construction could be undertaken, but nothing like Gaius' grain reform had been seen before.

Despite the presence of provincial grain tithes for more than a century, Gaius' *in perpetuum* plan to source, ship, store and distribute wheat for the population of Rome was a radical innovation. If we are to understand the interplay of public resources and the state – in this case, tribute grain and the system to deliver it to the capital – then the plans of the Gracchi and the unprecedented hostility they generated are obvious starting points.

The goal of this chapter is to use the Gracchan episode as a lens not only to see how the Romans might potentially have used the resources they had generated in war, but to reveal the incentives which, until then, had prevented them from doing so. The Gracchi attempted to increase the range and penetration of state activities, and if we understand why this caused such extraordinary offence, we should gain a greater handle on what their opponents were (and had been) trying to preserve. It is here, where both reformers and establishment figures saw bloodshed as an appropriate solution, that the incentives for minimising the state should be found. The approach, therefore, is to assume that the hated Gracchan program was exactly what the aristocracy had been trying to prevent, and if this was the case, then we might be able to reconstruct the incentives which had driven that opposition for generations. Clearly, given the virulence of the response, there was a great deal at stake, and whatever it was that the elite was trying to retain or prevent, we can assume that it had played a major (if unstated) role in driving Roman policy until the time of the Gracchi. I would ideally draw an accurate portrait of pre-Gracchan Rome and contrast it with the events of 133-121, but the opacity of these periods unfortunately obscures the priorities and principles of its political players. Instead, the approach will be to use the controversy of the Gracchan episode to reconstruct the motives of the period preceding it. That is to say, if it is understood why innovation caused so much outrage, we come closer to identifying the vested interests which had defined the status quo until then. In this case, I will argue that the Gracchi were killed because they threatened to strengthen the position of the state at the expense of the social elite, and that we can therefore infer that the suppression of the state as a rival had driven part of Roman policy in the immediately preceding period. There is a risk of circularity here – the Gracchan episode will be used to reconstruct what went before, and at times it will be tempting to use this reconstructed portrait in clarifying the offence caused by the tribunes – but the historical uncertainties of the period necessitate a few risky leaps in the dark. As insurance against the dangers of circularity, the motivation I just identified should instead be thought of as a hypothesis to be applied to each 'period'. In this way, I believe a coherent case can be made in which the suppression of the state explains the historical trajectory prior to the Gracchi, and also, because they defied this suppression, the intense antagonism which they generated while attempting to set a new course. The politics of each period can be explained through the one factor.

A great deal of ink has been spilled trying to understand the Gracchi and their fate, though the latest generation of scholars has shown less zeal than those who went before them.[1] The argument of this chapter intends simply to add a new interpretation to those that have already been made. I will argue that the cardinal sin committed by the Gracchi, and Gaius in particular, was upsetting the relationship between state and society. Scholars have always understood that the Gracchi threatened the economic interests of the elite, but the conventional 'hip-pocket' school – the simplistic view that the redistribution of public land would harm its erstwhile possessors – was never substantial enough to explain the magnitude of the controversy.[2] I will try to identify both the social and economic incentives that had determined the Roman approach to

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[1] A convenient and occasionally acerbic summary of all that had gone before can be found at Badian 1972a; No further references need be given to work which focussed on the factional interpretation of Roman politics. See also Bringmann 1985 and now Roselaar: 2010. On the demographic problem behind Tiberius' work, see De Ligt 2004 and Mouritsen 2008 with references. On the politics, see Bringmann 1985, Ungern-Sternberg 1988, Lintott 1992 and Spielvogel 2004. Meier 1966: 98, 133 stresses the novelty in Tiberius' determination to seek real results rather than the regular achievements of the Roman aristocrat, and this observation is in line with the argument presented here.

[2] This criticism was presented at Boren 1961: 358-9, where the term "hip-pocket" is used. See the more sophisticated version of the same thesis at Spielvogel 2004: esp. 389-92. Characteristically, De Ste Croix 1981: 337 gives the most impassioned rebuke of these greedy oligarchs: 'It is indeed worth paying careful attention to the ruthless attitude of the Roman oligarchs to anyone they believed to be threatening their privileges- a posture which is treated most sympathetically by Livy and the other sources, and often apologised for by modern historians. To come out openly on the side of the unprivileged against the ruling oligarchy was a dangerous thing to do.'

revenue and expenditure before 133, and will argue that it was by defying these incentives that the Gracchi generated such hostility. Rome's rulers had ensured that the centralisation of resources was limited, preventing the state from controlling the distribution of imperial profits throughout society. The corollary was that private parties amassed enormous accumulations of decentralised resources, and this allowed leading aristocrats to preserve their dominant social role as patrons, attracting the less wealthy through the ability to dispense riches. By asking the state to address major problems, however, the Gracchi were driving up the state's demand for resources, which in turn cut into the ability of the aristocracy to decentralise public profits into their own estates. As they altered the balance between public and private revenues, the Gracchi did not simply threaten private profits; they began creating a state whose resources, capacities and autonomy would allow it to challenge the aristocracy as the dominant socio-economic force in Rome. The elite Roman – occasionally a powerful magistrate but always a wealthy patron – had no interest in curbing the privatisation of imperial profits or in promoting the rise of a universal patron in the form of the state, and this sort of social reengineering was, I argue, sufficiently radical to explain the murderous hatred seen in the two assassinations. If this interpretation is correct, furthermore, the ramifications extend beyond the Gracchan episode: in the determination to prevent the creation of a state rivalling the social elite's patronage of the population, we find the motives which had hitherto prevented the transformation of the state despite the treasury's potential access to new and lavish revenues.

To make this case, however, will require the making of several points along the way, and it is unavoidable that the Gracchi themselves will be absent from much of the lengthy background arguments. First, I will demonstrate that the pre-Caesarean state did indeed lag in its development, despite potentially transformative resources. Second, I will argue that this was the result of the aristocracy's incentives to starve it of resources and suppress its role in society. Finally, I will show that the Gracchi did indeed threaten to reverse this situation, and that it was for this that they were killed.

*The Poor State*

The argument outlined above involves two separate points: the first is that the state had been suppressed for much of the second century; the second is that the Gracchi overturned this tradition. To what extent, however, was the state actually suppressed? To a student of later European history, it would defy convention to observe simultaneously that the state dramatically increased its access to revenues and that the state saw little growth in its size and capacities. Later cases would predict that new revenues require new administrative apparatuses to measure and collect these revenues, and that enlarged offices would be needed to manage their effective spending. Moreover, we usually see states as being driven to acquire more influence and information.[3] To defy this convention requires explanation. It is not enough simply to remark that Rome was different or, more commonly, that later European history was anomalous; we need to ask why.

The previous chapters already demonstrated that most revenue raising was conducted in the provinces and was delegated to institutions outside the state. By relying on tax farmers and local elites to manage the task of raising taxes, Rome avoided the build up of large state apparatuses to effectively extract resources. In Italy, the rare privilege of foregoing taxation of citizens meant that the state's capacity to measure and extract from the local economy actually diminished as the state grew richer. As one illustration, the census – the usual method for this measuring – fell into decline in the late Republic despite the ongoing election of censors. The censors themselves were apparently instituted in 443 – though some form of census was presumably older – and until late in the second century they seem for the most part to have consistently fulfilled their main task of registering the citizens according to wealth every five

[3] The classic account remains Tilly 1990. Within a Roman context, see the different approach at Brunt 1988: 299-300 and at Hölkeksamp 2010: 15-6, discussing Meier's views, and 68-70.

years.[4] Indeed, from 209/208 to 125/124, census data is reported in the sources for most of those five years periods.[5] From there, however, problems arose. Though censors were regularly appointed afterwards, there was a ten year gap to a completed census in 115/114, a longer gap to a complete census in 70/69, and then a two generation absence of meaningful counts until Augustus completed one in 28.[6] In other words, there is only one successful count of citizens attested in the 86 years between 114 and 28. By that time, only the oldest Italians had ever taken part in a successful census before.[7]

The capacity to measure domestic wealth had fallen into disarray for the obvious reason that revenues were no longer drawn from the citizenry. The lack of domestic taxation – and the institutions which facilitate it – does not in any way, however, prevent the development of a thick state. The modern oil state, for example, has the same ability to draw its revenues from outside the citizenry, but it nonetheless has a tendency to expand and broaden its institutions because it

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**4** Livy 4.8.3-5; D.H. 11.63.1-3. For a summary of procedure, sources and scholarship, see Northwood 2008.

**5** Brunt 1971: 13-4 presents the data clearly.

**6** For a discussion of the census between the Social War and Augustus, see Brunt 1971: ch. 7 & 8 and Astin 1985.

7 Though its enthusiasm apparently waned, the Republic never abandoned the institution. There was enough concern for the census that an incomplete one justified a new election of censors immediately. In 109, M. Livius Drusus died during his censorship, and though his colleague M. Scaurus only left office unwillingly, new censors were elected for the following year (Plut. *R.Q.* 50) – it was not permitted to replace a dead censor with a suffect, because the last *lustrum* which saw a censor replaced also saw the city fall to the Gauls (Livy 5.27.4-5; Livy 5.31.6; 6.31.2). Incomplete censuses in the 60's show similar determination to see the task through. The failed census of 65 saw new censors in 64, who in turn failed with more censors appointed for 61. They again failed to complete the census (*MRR* contains the sources). No new censors took office until 55, however, and then not again until 50. None completed the task. Pompey, in charge of the grain dole, wanted a census to organise its recipients, but not even he managed to effect a census (Dio 39.24.1-2). The string of censorships from 65-61 shows that there was some determination to perform the functions of the office, but this makes it all the more notable that the Romans did not develop new methods of collecting and maintaining census data, despite repeated failure to cope with a growth in public revenues, a growth in the size of private estates and a growth in the number of citizens. For further discussion, see Brunt 1971: 98-9 discussing the ongoing importance of the census for recruiting the army, *contra* Astin 1985: esp. 184, though the latter gives other reasons for the census' abiding importance. It is worth noting that even an abortive censorship must have updated the equestrian and senatorial lists for the sake of juries without completing the entire census of the lower classes. This may well explain the ongoing availability of class-based juries despite failed censuses, *pace* Astin 1985: 185-6 but *contra* Wiseman 1970: 70-1. See the reforms of (probably) Caesar recorded on the *tabula Bambina* (Crawford 1996: n. 24 ll 142-58). Of course, even when the census was functioning, it provided the premodern quality of information that was negligible by the standards of the modern state: Scott 1998: 2.

needs to find ways to distribute its funds. In a more detailed account below, we will see that this type of state, a 'rentier state', tends to have a large defence force, infrastructure for extracting its resources and an enormous and unwieldy bureaucracy managing departments of health, education, foreign affairs etc. Far from preventing the creation of larger public institutions, a bounty of revenues has typically encouraged state creation. Yet, once again, evidence of similar state creation is lacking in the case of the Roman Republic.

How can we demonstrate this? In the absence of a unit of measure, how do we assess growth in the size of a state? As discussed in the introduction, we will have to look at the state – inevitably with a good deal of subjectivity – both in terms of its institutions and in terms of its functions. The disappearance of Livy's history after 167 is an enormous loss in this, since it deprives us of even his scant record of the deeds of magistrates in the first third of the second century, but the trend remains clear: the Roman state, whether gauged by the institutions it deployed or in the functions it served, remained remarkably constant despite a complete transformation of its world.

The middle Republic bequeathed to its later self a set of institutions which underwent astonishingly little change. At the most obvious, there were the annual magistracies of quaestors, tribunes of the *plebs*, aediles, praetors and consuls, a set which would remain largely unchanged until the reforms of Sulla and (especially) Caesar. This stasis was despite the enormous increase in demands placed on the state. Even without an expansion in the functions of government (see below), there was certainly scope for an increase in the number and variety of magistrates because of the growth in the size of the population, the territories and resources to be administered, the scale of the wars and projects undertaken. Yet we see none of this. I will offer two quick illustrations of the demands being placed on the old system of praetors in the second century.

In 181, C. Claudius and P. Maenius were appointed as suffect-praetors to investigate cases of poisoning within 10 miles of Rome. By 180, the actual year of his praetorship, Maenius had convicted 3000 people! As witnesses poured in, he wrote to the senate warning that he would either have to call off the whole *quaestio* or give up his province of Sardinia, as clear an indication as any that his office was overstretched.[8] Not only did Maenius presumably have to perform regular duties within the city, he had to govern a province and conduct an investigation which quickly spiralled out of control. The very number of convictions and informants equally testifies to the inaccessibility of magistrates in normal circumstances; in this case the irregular presence of a praetor saw a flood of people who apparently had no previous opportunity to contact a magistrate. Nine years later, there is the even more impressive praetorship of Cn. Sicinius. Before he entered office as praetor peregrinus in 172 (i.e. the magistracy primarily responsible for relations with foreigners), Sicinius was dispatched to Apulia because they had trouble dealing with a plague of locusts.[9] Having spent some time there organising a force of men to collect up (*colligere*) the locusts(!), he was then ordered to levy emergency troops for the war against Perseus and to send them to Greece in the shortest time possible.[10] Before he could join them, which had to be in the summer, he had to travel to the far end of Italy, carrying out the restoration of the thousands of Statellates who had been forcibly removed from their territory in Liguria and distributing them on land north of the Po. While seeing to these tasks, he also had to let a contract for a house to entertain the son of King Ariarathes, find 25 ships from the allies, 8000 infantry and 400 cavalry from the Latins, all the while seeing to civic duties which he had to

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[8] Livy 40.43.2-3.

**[9]** For the peregrine duties of this magistracy, see Brennan 2000: 115-6, 125-35, esp. 133-5. The sending of Sicinius is in itself a fascinating window into Roman leadership in the peninsula. Sicinius seems to have brought no Romans with him, but armed with *imperium* (though only a praetor *designate*), he was needed to form an *ingens agmen hominum*, which apparently the Apulians were either not capable or not permitted to form without a Roman magistrate. Roman leadership had become the *sine qua non* of large-scale, coordinated activities in all of Italy. This is just eight years before M. Aemilius Lepidus is elected consul and settles a domestic disturbance in Patavium: Livy 41.27.3-4 with Harris 1977 and Liu 2007. For Roman intervention in Italian communities, most of which seem to have been invited, see the discussion at Gabba 1989: 225-32.

**[10]** Livy 42.10.8, 18.10, 19.6, 22.5

fulfill.[11] It is difficult to say whether this was a normal spring and summer for a praetor or not – Livy does not express any surprise at these demands – but it testifies to the diversity of the magistracy's tasks and to the relative inadequacies of state structure.

A degree of reform had increased the number of praetors over the years, reaching six by 198, but each increase had been to meet the more or less military needs of governing a new province. Within Italy, the same number of praetors were having to deal with more and more business. Consuls were similarly stretched. The great centuriation of Campania in 173 was an endeavour of such demands that the consul who oversaw it never reached his province.[12] Even the most mundane tasks could occupy the time of the consuls. A consul of 90 was instructed to contract for the repair of the Temple of Juno Sospita and the consuls of 75 had to let a contract for the maintenance of the Temple of Castor. In the former instance, the consul was the state's premier commander during the crisis of the Social War, and in the latter, neither consul had time to complete his obligations at the temple, with the result that the business had to be passed on to the next year's praetor. The resort to consuls in these instances, even when they had colossal wars to wage, suggests how thin Rome's government really was; the fact that the praetor of 74 had to pick up the previous consuls' work goes on to prove it.[13]

Why was there such institutional conservatism? Some might point to the fact that Rome was a traditional city state, and that contemporaries could not see beyond this sort of cryogenic constitution or the limited technologies at hand. I would argue that there were incentives at work here, incentives peculiar to the Republic's rulers. If, for instance, we look at Caesar's dictatorship

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[11] On the regular responsibilities of praetors in this period, see Brennan 2000: ch. 5, and esp. 109-10, 133-5 for the *praetor inter peregrinos*. Brennan argues that the peregrine praetor actually had few fixed responsibilities and thus was relatively free to meet unexpected emergencies, which would make Sicinius' burden somewhat more understandable.

[12] Livy 42.1.6, 9.7.

[13] Juno Sospita: Cic. Div. 1.99, Obseq. 55. Castors: 2.*Verr*.1.130-54. Strong 1986: 101 points out that the overstretched system may well have been to blame for the poor state of temples by Octavian's time. Consuls, even in peacetime, could find themselves overstretched by matters as unpredictable as omens and portents. A flurry of earthquakes, for example, necessitated accompanying rituals, all requiring the presence of the consuls, and could bring public business to a standstill (e.g. Livy 34.55.1-2).

or at Augustus' reign, we see an overhaul of institutions, strongly suggesting that it was the Republican leadership that prevented reform.[14] As new demands were placed on the state, Rome's rulers largely relied on the stretching of institutions or the continued resort to contractors. There was very little visible state creation in institutional terms. In functional terms, an even starker lack of state creation can be identified.

For example, no permanent system was implemented to source, transport, store and distribute grain for the benefit of the Roman population until Gaius Gracchus instituted his program, more than a century after Rome began to draw a tithe from Sicily and Sardinia. The approach to solving grain shortages prior to the *lex Sempronia* has been described as "dilettantist".[15] The annual arrival of the tithe probably involved the aediles in the marketing of grain on the private market, but there was no permanent infrastructure or procedure for feeding the city. Instead, the performance of the aediles in any given year was completely up to the individuals in office. Unpredictability was inherent in rectifying shortages: "in that instance the alleviation of a food shortage in Rome depended on the chance that surplus grain stocks would be located somewhere, that the key Roman officials should have had foreign contacts in the appropriate place, and that private shippers should be found to transport the grain once acquired."[16] This system had obvious benefits for some: success under it was a reflection of an

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[14] There are numerous examples. Beyond Augustus' well known creation of a standing army and the transfer of certain provincial commands to equestrians, we can site Caesar's abortive attempt to reform the management of the city through the *praefectus urbi* – a reform which Augustus would make permanent – as well as the later rise of the *praefectus praetorio* (see Greenidge 406-7, 411 with references). See below for the promotion of Agrippa as *curator aquarum*, which would again be regularised, this time as a three-man responsibility (Frontinus *Aq.* 2.94-100, with Peachin 2004: 74-7). Agrippa, Maecenas and others each received authority at odds with the Republican system.

[15] Veyne 1976: 446, cited at Garnsey & Rathbone 1985: 23.

[16] Garnsey and Rathbone 1985: 23-4. Grain had been sent to Romans by Micipsa of Numidia out of respect for C. Gracchus himself (Plut. *C. Grac*. 2.3). There was a long history of ad hoc efforts to meet grain shortages. As just two examples, see the famous case of L. Minucius and Sp. Maelius at Livy 4.12.8 and 4.13.2, and the seemingly more regular case of the aedile Fabius Rullianus (though already thrice consul by this point) in 299 at Livy 10.11.9. Harris 2003: 282 stresses that most of these instances were clearly anomalous.

aristocrat's own abilities, and was thus perfectly suited to the aristocratic ethos.[17] To preserve the importance of personal qualities, the role of the state was sacrificed, and no centralised system was established. Even Gaius' eventual reform, however, was moderate. It appears that it took more than sixty years until P. Clodius would create anything resembling a hierarchical structure for controlling imports, selecting Sex. Cloelius as its head; Pompey subsequently managed to have himself put in charge with fifteen legates and 40 million sesterces.[18]

One can examine water as well, for which the regular administration was extraordinarily loose and involved two completely different systems inside and outside the city. Beyond the walls, it fell into the hands of the censors in some years, into those of the aediles in others, but both would employ contractors who maintained staffs of workers and who would keep the aqueducts functioning.[19] Within the city, a different system was used, whereby two residents or landowners in each neighbourhood (*vicus*) were appointed by aediles to monitor the fountains within the city. The thinness of government was so extreme that there were no officials in charge of water within the city, and responsibility for ensuring the community's supply was delegated to local residents. It would be easy to dismiss any surprise at this archaic system as anachronistic, reflecting the views of a resident of a 21st century city, but once again Augustus showed that there was no insurmountable hurdle preventing the Romans from devising and implementing a more centralised system. Within years of Augustus' gaining of power, M. Agrippa became in effect the permanent curator of the water supply, equipped with a staff of slaves which was eventually handed over to the state. After him, the senate continually selected three senior ex-magistrates to

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17 Ungern-Sternberg 1988: 182.

18 See the discussion at Garnsey 1988: 216-7 with references. Cf. Brunt 1988: 76 on the absence of a reliable system of procurement before Augustus. There had to have been an underlying administration recording those eligible for the grain and coordinating its distribution, hinted at for the Augustan period at Front. *Aq.* 2.100. Tatum 1999: 124-5 suggests that Clodius distributed his grain through the *collegia*.

19 Reminiscent of chapter two, this is a classic example of the Roman tendency to employ professional expertise outside the regular governmental structure. It was understood that experts were necessary, but the contracting system allowed the aristocratic magistrates to protect their pre-eminence from the threat of such expert knowledge.

be appointed with trappings, two lictors, three public slaves, an architect and a team of clerks, copyists, aides and heralds, many of whom were authorised to access funds in the treasury.[20] Between the construction of the first aqueduct, however, and the establishment of this permanent administration, there was a gap of almost three centuries, and three very profitable centuries at that.

The state never became involved in education or welfare during the Roman Republic, despite the well known establishment of public funds to provide these services in contemporary Hellenistic cities.[21] One might even speculate that the Romans actively refused to establish such a fund, since someone like Eumenes II or Attalus II would no doubt have jumped at the chance to endow such a gift to the Roman people.[22] In any case, there was no such state intervention in Roman society, and these duties remained entirely private obligations.

In most ancient cases, of course, a lack of transformation is entirely expected, since a lack of economic growth and the maintenance of traditional borders demanded little or no reform. There is, however, room for Roman exceptionalism here. Rome's system of government persisted in the face of singular military success, allowing access to resources that had demonstrated their transformative power in other areas of Roman life.[23] The reason for this persistence was, I believe, that there were definite incentives for the rulers to prevent the state from claiming or accumulating the kinds of resources necessary to expand its capacities. It is time to turn our attention to these resources.

### *A Paucity of Public Resources*

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[20] Frontinus *Aq.* 2.94-100, with Peachin 2004: 74-7.

[21] The case of Rhodes was addressed in chapter two: Gabrielsen 1997: 80-2.

[22] Polyb. 31.31 on Eumenes establishment of a fund for public education at Rhodes, with Walbank's note for further examples of what appears to have been a common practice in the Hellenistic world.

[23] The standard account is Hopkins 1978. Works like Raaflaub 1996: 294 stress the potential for imperial profits to alleviate social problems, but do not seem to push the idea very far.

To say that an unprecedented quantity of wealth was moved to Italy in the course of Roman expansion is uncontroversial, and that the majority of that wealth was reserved for elite society is equally unremarkable.[24] It is, however, worth outlining *the extent* to which this was the case. The goal of looking at the respective profit shares of public and private wealth is to form some idea of the state's *relative* poverty, or the extent to which rulers starved the state of resources in favour of growing their own private estates. This engages directly with the motives of Rome's rulers, with whether they aimed at maximising public or private revenues. I have tried to show in previous chapters that the system of Roman resource extraction was well-suited to private enrichment. The task now is to demonstrate the effects of this privatisation of resources.

I would like to make the claim that public revenues did not grow apace with the overall enrichment of Roman society, but, in the absence of data, a short statistical proof of this is impossible. To do the argument justice would require a lengthy treatment of often circumstantial evidence, and given that this would encompass a dissertation in itself, it will have to be presented in a fashion far more cursory than it deserves. I will focus on three main areas. In the first place, I will look at the single most obvious manifestation of state wealth: public construction, much of which is both archaeologically and textually attested, offers the twin analytical advantages that it was a major cost for the state and remains relatively well known today. Secondly, I will focus on the meagre evidence for the size of the treasury at different periods of Republican history. Finally, I will try to compare the probable wealth of the state to that of different members of Roman society. I hope to show that Rome's rulers shied away from maximising public profits, but that they were enormously successful in increasing their own private profits.

Let us turn first to publicly funded construction in the second and first centuries. A usable list of public building in all of Italy is impossible because our evidence for most of the peninsula

[24] Hopkins 1978: 39: "The income from empire flowed into the purses of the privileged. That was one of the chief advantages of being privileged, at once a token of high status and a means of reinforcing it. Throughout the second century BC, the process accelerated."

is inadequate.[25] Though still imperfect, the record for construction within the city of Rome itself is more satisfactory, and so I will be dealing solely with this category of urban building. The full list of attested building projects can be found in various places, all presented chronologically.[26] If – as I have done in the appendix –the list is rearranged, however, so that it is structured according to the probable sponsor of the building, an interesting trend arises. Attested construction funded by centralised money – that is, money from the *aerarium* – peaks early in the second century, before declining rapidly in the late second and into the first centuries. Part of this is no doubt due to imperfect source material, and the loss of Livy is especially regrettable.[27] This excuse does not hold for the very late Republic, however, for which source material is plentiful but evidence of public building – beyond the projects of Sulla/Catulus, Pompey and Caesar – remains negligible. Moreover, I am observing a *relative* trend here, and the loss of source material for Rome post-167 should affect all types of building more or less evenly. This does not appear to be the case. Instead, there is an enormous spike in censorial building in the 180's and 170's, while attested manubial building, for which the funds were entirely at one man's discretion, is spread more evenly throughout the period. The buildings of censors were funded directly from the treasury and hence can be considered among the most important uses of centralised resources; all we know of the censors' achievements after the building of the Aqua Tepula in 125, however, is a set of boundary stones set up on the banks of the Tiber in 54.[28] It is difficult to believe that such silence in the well-documented last decades of the Republic can be blamed on sources. Against this apparent lack of centrally funded building activity stand a consistent trend of construction by

[25] For detailed treatment of public building in Italy beyond Rome, see Jouffroy 1986: ch. 1.

[26] Platner-Ashby 1929, Richardson 1992 and now Palombi 2010.

[27] Livy's disappearance has produced a huge lacuna in our knowledge of public building: Coarelli 1977: 2-3. Even when Livy is extant, his information is far from satisfactory. Consider the censors of 169: Ti. Sempronius Gracchus and C. Claudius Pulcher were granted half a year's revenues and requested an extension of their term of office because they had not completed all of their plans, yet we know only of the Basilica Sempronia. See Livy 44.66.10 and 45.15.9.

[28] The first 15 stones are recorded at *CIL* 6.31540 a-p, though others have been found since. *MRR* links them to a flood recorded at Dio 39.61.1-2.

individuals, whether manubial temples or the monumental projects of Pompey and Caesar, which eclipse all that went before. So, in light of the increasing scale of individually funded construction, why was there such a decrease in centralised building?

There is in fact a perfectly good reason for censorial building to spike early in the second century and then decline: the heavy indemnities imposed upon the conquered also peaked in this period, most obviously the 200 talents paid annually by the Carthaginians, but more significantly the 15 000 talents paid by Antiochus III over just twelve years. We can take the year 188, the year after the battle of Magnesia, as an illustration. Lacking evidence, we have no idea how much the treasury was earning in annual taxes in this period, but on top of them was a bonus of 1612.5 talents (or nearly 40 million sesterces) in indemnities.[29] It is obviously no coincidence, therefore, that the three greatest censorial building programs – those of 184, 179 and 174 – are the three that follow the battle of Magnesia.[30] What we know of censorial funding affirms the view that these were particularly good times for the treasury. Livy tells us that the censors of 179 received a full year's worth of public revenue, while those of 169 – in the midst of the costly war against Perseus – received half a year's.[31] A full year's revenue every five years would of course imply that the state was running a non-censorial 'surplus' of 20% above expenditure, an indication of the

[29] Calculated as 200 from the Carthaginians, 100 from Philip, 62.5 from Sparta, 1250 from Antiochus III. The next year would see the addition of another 83 annual talents from the Aetolians. Sources are above at chapter three n. 8 and are conveniently collected at Frank 1933: 127-35. It is worth noting in comparison that L. Paullus found 6000 talents in the Macedonian treasury (Polyb. 18.35.4 – a windfall that saw *tributum* suspended), but that 180 million denarii were allotted to Q. Marcius Rex for his aqueduct projects in 144-40 (Front. *Aq.* 1.7). We can also note that it was in this period of the Seleucid indemnity that Cn. Manlius Vulso repaid part of *tributum* (Livy 39.7.5). Crawford 1999 has claimed that it is 'anachronistic' to distinguish between taxation and indemnities, but this view misses two critical distinctions. The first is the degree of centralisation exhibited by indemnities, which were deposited directly into the treasury by the conquered. The second is that indemnities were justified by war and so could be much harsher. This was especially so because they were not indefinite, and more extreme strain cannot be endured forever.

[30] To these three, we should perhaps add the censors of 169, given that they received half a year's funding (in the middle of the costly war with Perseus!) and requested an extension of their term to fulfil their plans. *MRR* contains all the references. Over the course of 17 years, these censors contracted for three basilicas, a port, the preparations for at least one bridge, an emporium and at least seven porticoes. They also paved huge parts of the city, set out the Forum Piscatorium and renovated temples. The details are in the appendix.

[31] Livy 40.46.16, 44.16.9-11. One of the censors of 179, M. Lepidus received an additional 20 000 asses to fund games at the opening of two temples vowed during his war in Liguria (Livy 40.52.1).

period's riches. A large surplus above regular costs is surely a clue that irregular indemnities were having a positive impact on the state's bottom line.

The magnitude of these revenues is impressive enough, but the figures alone do not convey the full relevance of indemnities in this period. Because indemnities were paid directly to the treasury by the vanquished, they were immediately centralised and could never be otherwise. All of a sudden there was the possibility – even need – for a few fortunate magistrates to spend communal money. This represented a seismic shift from the dark days of the Second Punic War, and there were few precedents for managing or spending a bounty of this size. It must, however, have been clear that granting anyone use of these riches posed significant problems for the power sharing system of the aristocracy.

This brings us to the next stage in the argument, which could most easily observe that indemnities eventually waned, and that building programs followed suit. I think it can be argued, however, that censorial building actually prevented the continuation of indemnities. The rich and highly centralised revenues of the 190's and 180's were a novelty to senators who had been through the hardships of the Hannibalic War. They understandably decided to put these new riches to good use. In the absence of permanent state commitments to soak up these revenues, a great deal was granted to censors to transform the infrastructure of the city, which they duly did. Over time, however, it must have become clear that most senators received little or nothing from these resources. Meanwhile, they watched as four men per decade received the credit for unparalleled building programs. Plutarch tells us that, already in 184, senators were complaining that the Roman people had footed the bill for Cato's eponymous basilica.[32] That further controversial censors could benefit in the same way was perhaps a deterrent against continuing this kind of subsidised self-promotion.[33] Because most of Rome's rulers resented the uses to

[32] Plut. *Cat. Mai*. 19.3: πολλὰ δὲ καὶ πρὸς τὴν τῆς βασιλικῆς κατασκευὴν ἠναντιώθησαν, ἣν ἐκεῖνος ἐκ χρημάτων κοινῶν ὑπὸ τὸ βουλευτήριον τῇ ἀγορᾷ παρέβαλε καὶ Πορκίαν βασιλικὴν προσηγόρευσεν.

[33] One thinks of Q. Fulvius Flaccus cos. 179 and censor in 174, never far from controversy and causing some disgust even as censor: details of his life are of course available at *RE* s.v. Fulvius 61. For his

which public funds were being put, there was a movement away from highly centralised reparations like the indemnities imposed on Carthage and various conquered Greeks. Instead, the commanders in charge of each war became more likely to seize treasuries and sack cities, because, though they would grant the Roman people a share, they wanted control over distribution of booty – they and their commissioners could not be sure that they would receive a later opportunity to benefit from the resources if they organised an indemnity program between the *aerarium* and the foreign enemy. Eventually, the permanent tax systems analysed in earlier chapters were set up, and these were necessarily milder because the more severe exactions could not be sustained indefinitely.[34] Centralisation, it became apparent, was at odds with the interests of the broader aristocracy, and other routes of enrichment were taken. Wiseman has presented a similar explanation for the decline in public road-building in the late Republic, arguing that major *viae* gave too much fame to the builder: "In the cut-throat political atmosphere of the late Republic, it seemed better to do without new roads than to give any one man such an advantage in the struggle for political power."[35] The equivalent solution in the mid-second century, I suggest, was to avoid highly centralised resources in the first place.

In place of the grand censorial building that dominates the first third of the century, a more decentralised trend takes hold. While the publicly funded work of censors more or less disappears from the record, attested manubial building – built from the commander's spoils – carries on, albeit at a decreased rate.[36] Gros, following Pliny, has noted that the architectural

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censorial spoliation of the Temple of Juno Lacinia, for which he was chastised by the senate, see Livy 42.3.3. Val. Max. 1.1.20 preserves a tradition in which his later suicide was evidence of Juno's revenge. Badian's reconstruction of the censorship of 174 argues for more controversy, especially on the part of Flaccus, upon whom he frowns as "a very unsatisfactory character" (Badian 1972: 39).

[34] In Macedonia in 167, for example, cities were ordered to pay only half the tax they had paid to the old kings: Livy 45.18.7. Part of this was because they now had new expenses as independent cities, but combined with the (temporary) closure of the silver mines, there can be no doubt that Rome could have placed a heavier tax. Instead, with diplomatic considerations on their minds as well, Roman rulers chose not to embrace the path of public revenue maximisation.

[35] Wiseman 1970: 151.

[36] On defining manubial building as private, see below p. 180.

grandeur of public building increased in the mid-second century, citing for emphasis the Temple of Jupiter Stator and the porticus of Q. Metellus Macedonicus. He correctly sees this as a medium for celebrating the individual triumphator, however, and we can contrast it with the magnificent, publicly funded, censorial building of a generation earlier.[37] The shift is not absolute, but Rome's new buildings increasingly became the product not of great centrally funded censorships but of great individually funded triumphs, and this trajectory continues on an increasingly steep curve to the end of the Republic. There were exceptions – the Aqua Marcia of 144-40 and the Aqua Tepula of 125 being perhaps the most notable, and easily explained by the windfalls of Carthage, Corinth and the Pergamene inheritance[38] – but the scale and frequency of publicly funded building appears to decline at a much steeper rate than that of manubial building, for which a single imperator decided how much to spend. This alone represents in some way the shifting of weight from the centralised to the decentralised.[39] Resources in the hands of a single leader were responsible for an increasing proportion of glamorous public building. By the time of Sulla, Pompey and Caesar, individuals were remaking entire sections of the city in the most public of ways: Pompey transformed the nature of popular entertainment, while Sulla and Caesar fashioned new civic spaces for the *populus*.[40] The Theatre of Pompey and the Forum of Caesar were

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[37] Gros 1978: 36-9, 93.

[38] There are other exceptions. Some are easily explained: Opimius' building in 121 was occasioned by the political drama of C. Gracchus, which demanded a statement on the senatorial establishment; the naval docks were perhaps militarily necessary, possibly even for M. Antonius' pirate command, though this is very speculative. *LTUR* contains the evidence for both structures, and see also Cozza and Tucci 2006 on the navalia. The bulk of centrally funded building was probably devoted to repair and maintenance, as with the cases of the temples of Juno Sospita and the Castors mentioned above at n. 13. Other work done during magistracies may or may not have been privately funded: work on the Basilica Aemilia in 78, the Tribunal Aurelium a few years later and the Pontes Fabricius and Cestius all fall into this category. If they were publicly funded, they would stand as exceptions to my overall argument; given their insignificance next to earlier public building and next to contemporary private building like that of Pompey and Caesar, however, the impact on my conclusion is far from crippling.

[39] Gros 1978: 93.

[40] On the Theatre of Pompey, see now Wallace-Hadrill 2008: 167. On the politics of the Forum Julium, see Ulrich 1993 and Westall 1996. The building of less wealthy Romans is unclear: one possibility is that the influx of new residents increased demand for residential property, and that the attention of prospective builders was drawn from glorious monuments to profitable tenements. Capitalist investment offered itself as an attractive alternative, soaking up money and urban space. See again Gros 1978: 93.

monuments not only to their builders' military triumphs, but to the triumph of private over public resources.

I argue that the reason publicly funded construction fell so far behind privately funded construction was in part because Rome's rulers decided not to maximise public revenues – finding ways to spend it all was simply too problematic. Political incentives discouraged the use – and therefore the accumulation – of centralised resources. Moving from construction to the state of the *aerarium*, let us examine whether the little evidence we have for treasury reserves supports this claim.

Crawford is probably correct that the treasury never ran dry between the Second Punic War and the Social War, but this does not necessarily tell us all that much: given the scale of military victories in the second century, it would have been profligacy of the most astonishing order had the treasury been empty in this period.[41] Even if it did not run dry, did the treasury come close? Or did it keep growing wealthier and wealthier? As luck should have it, Pliny has reported two sets of figures for the treasury's reserves, which, though they do not ultimately answer those questions, do shed some light on the topic. The first pertains to the year 156 and records the presence of:

- 17 410 lbs of gold
- 22 070 lbs of silver (worth a little under 7.5 million sesterces)
- 6 135 400 sesterces in coin

The second figure records the amount removed from the treasury (which may or may not have been everything) in the year 49:

[41] Crawford 1974: 634-7.

- 15 000 gold ingots
- 30 000 silver ingots
- 30 million sesterces in coin

Depending on the weight of Pliny's ingots (*lateres*), this may or may not correspond to the data provided by Orosius, who claimed that Caesar seized 900 000 lbs of silver – or a coined value of over 300 million sesterces – as well as 4135 lbs of gold.[42] It is difficult to know what to make of these figures, but the most obvious question concerns scale. Was this a lot, or was it not?

Concerning the figures for 156, there are few contemporary comparanda, though the 180 million sesterces spent on aqueducts in 144 stands out both in its scale and in its temporal proximity. Censors (probably M. Cato and L. Valerius in 184) had apparently spent 24 million sesterces on cleaning and paving sewers.[43] These figures dwarf the reserve of coin and silver reported by Pliny. Moreover, it is not easy to see where the 180 million sesterces for aqueducts would appear from; the sack of Carthage apparently only yielded 4370 lbs of silver (equal to about 1.233 million sesterces in coin) for the treasury, and this was obviously nowhere near enough to pay for the aqueduct projects of 144.[44] The most obvious lacunae in our evidence are the sums brought home from the sack of Carthage and the amount of gold found in Carthage, but I would suggest adding another source. In 158 or 157, the Romans reopened the Macedonian silver mines and initiated an overhaul of the monetary system and the payment of troops.[45] Whether it is coincidence or not, Pliny's information happens to be for a year immediately after this event – probably before the profits really began to flow – and it is possible that the enormous resources available in 144 owed as much to these mining operations as to the sacks of Carthage

[42] Plin. *N.H.* 33.56; Oros. 6.15.5 with the discussion at Shatzman 1975: 351.

[43] Dion. Halic. 3.67, ascribed to Cato and Valerius at Frank 1933: 144.

[44] Plin. *N.H.* 33.141.

[45] Crawford 1985: 143-4.

and Corinth. In any case, it is extremely difficult to conclude much from Pliny's figures for this period. Given the scale of its receipts, however, we can rest assured that the senate had done a fairly thorough job of spending what it had – the treasury had, after all, received over 600 million sesterces in indemnities alone in the 45 years before Pliny's date.[46] To sum up, I would argue that public funds had been spent lavishly in this period and that the reserve of 156 was nothing remarkable. I refrain, however, from comparing public and private wealth because we simply do not have enough data for the latter.[47]

Though ultimately just as problematic, the figures for 49 paint a very different picture. One obvious difference between the two periods – and I assume that Pliny and Orosius are indeed reporting the same data in different measures when I make this observation – is the ratio of bullion to coin: in 157, the treasury held around 7.5 million sesterces in uncoined silver and a little over 6 million sesterces in coin; in 49, however, Orosius' data report over 300 million sesterces in uncoined silver but Pliny has just 30 million sesterces in coin. This ten-fold relationship between bullion and coin marks a significant difference between the reserves of the two periods. To confirm the paucity of coinage, we can compare this total to the 18 million sesterces in coin taken by Varro from Roman citizens in Hispania Ulterior.[48] A more problematic comparandum would be C. Caecilius Isidorus and the 60 million sesterces in coin he left at his death in the year 8, a total from a later period but one which nonetheless puts the treasury in the shade.[49] The quantity of public bullion, on the other hand, outdoes any other report we have for holdings of silver. Varro's same unfortunate citizens in Spain lost 20 000 lbs of silver to him. M. Drusus, cos. 91, reportedly owned 10 000 lbs of silver, and Pliny was shocked that an equestrian

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[46] Frank 1933: 127-38.

[47] The most obvious private comparandum is the estate of Crassus Mucianus, which was said to be worth 100 million sesterces. The problem is that there is no way to know how the contemporary value of landed estates – assuming that these made up the bulk of Mucianus' worth – relative to gold, silver and coin. Any conclusion would be meaningless.

[48] Caes. *B.C.* 2.18.4, discussed in more detail below at n. 69.

[49] Plin. *N.H.* 33.135.

from Arles could, in the Imperial period, be found with 12 000 lbs of silver during military service.[50] Each, however, was a mere sliver of Orosius' 900 000 lbs of public silver in 49.

How to interpret Pliny's figures for the treasury of 49? The most startling feature is that this healthy reserve had accumulated so soon after reports of an empty treasury. The treasury was empty after the Social War and remained weak until after 63.[51] Pompey's Eastern settlement and perhaps Cato's seizure of the Cyprian treasury would explain the sudden rise in the treasury's fortunes. Both deposited large amounts in the treasury, and Pompey also established ongoing revenues. In light of Pliny's figures, it seems likely that contractors for these new provinces transacted in uncoined silver and perhaps gold. This made perfect sense: moving bullion instead of coin meant that payments avoided complicated regional differences in composition or standard of coinage.

If it is true that the treasury accrued all of its wealth in a little over a decade, two conclusions are unmistakeable. Firstly, this period was completely anomalous and tells us nothing about earlier periods. In fact, the record of frumentary laws appears to confirm the argument that until well into the 50's the treasury was unable to support new costs. Without exception, from the first grain law of 123 to Clodius' expansion of the program in 58, every expansion of the grain dole had to be accompanied by new taxes or the seizure of a foreign treasury.[52] Secondly, Rome's rulers were demonstrating astonishing restraint, and this must surely support Wiseman's thesis

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[50] Both Drusus and the knight, Pompeius Paulinus are referred to at Plin. *N.H.* 141-3.

[51] Crawford 1974: 637-8.

[52] Garnsey 1988: 215-6. C. Gracchus notably expanded state programs beyond just the grain dole, but he also implemented several new taxes: see below, where it is discussed in detail. The *lex Terentia Cassia* was accompanied by the seizure of the Cyrene's treasury: Sall. *Hist*. 2.43 Maur. with Badian 1968: 34. Sallust does not miss the opportunity to accuse Marcellinus of corruption while in Cyrene. M. Cato's extension in 62 was hot on the heels of Pompey's new Eastern revenues. Cato himself was sent by P. Clodius to bring home Cypriot treasure to fund the huge extension of the dole in 58. Sidebottom 2005: 319 discusses the elite's own private needs for windfall profits from expansion.

that aristocratic competition prevented any one man being able to spend public funds lavishly.[53] Better that nobody spend the money than that a rival does.

Until this last decade or so of the Republic, then, there was evidently no great surplus of resources available for new initiatives, despite the creation of a tributary empire.[54] Pompey did eventually deliver the kind of surpluses missing from earlier periods, but all that did was reveal just how incongruent the interests of the aristocracy and the centralisation of resources were. The Roman elite did not want to centralise resources because allowing anybody to spend them – and thus to earn fame from them – posed too many political risks. Until the very end of the Republic, social and political incentives kept the aristocracy from building up the state's resources. They wanted those resources decentralised where they could be enjoyed securely as private property, and this brings us to the issue of private wealth.

*Private Resources Aplenty*

Empire may not have caused public wealth to grow at a fast rate, but it certainly proved an effective spur for private wealth. Unreliable though they may be in isolation, two sets of

[53] Supra n. 35.

[54] Particularly in the period after the Social War, the treasury must have been strained by the increasing costs of war. The extension of citizenship to all Italians meant that formerly allied troops would no longer be paid by their home communities, and would now receive *stipendium* from Rome. On allied support of their own troops, see: Polyb. 6.21.5, with Nicolet 1978: 223-4; Brunt 1988: 70; Gabba 1989. Rome paid for the rations of allied troops, according to Polyb. 6.39.14 with Rosenstein 2004: 30 n. 16. On top of this extension of military pay, the number of legions increased: there is no need to trace the year by year fluctuations in troop numbers here, but the data of Brunt 1988: 442-3 and 449 yields an average of around 6.5 legions needing pay in the period from 167 to 91, whereas the period from 80 to 50 sees an average of around 23 legions per year. Even if we count from the year 70 to avoid the wars against Lepidus and Sertorius (though this would also discount the foreign war against Mithridates) we still have an average of almost 21 legions per year. On top of this, the extension of the city's food entitlement pushed the army out of the trough in the grain provinces, forcing them to source their victuals elsewhere and even onto the open market. Erdkamp 1998: 85-94 and Garnsey 1988: 203-4 discuss the legions' demand for grain and the role of tribute grain. Erdkamp 1998: ch. 4 and Roth 1999: 233-5 present examples of both requisitions from allies and purchases of grain by Roman armies. The size of the legion may also be important here, though it is hard to know just how relevant nominal strengths really were: Brunt 1971: App. 25, 27; De Ligt 2007: 115.

figures can be presented which should help us: the first is a collection of statements and estimates reflecting the wealth of leading Roman aristocrats that shows the accelerating growth in private incomes in the late Republican period; the other is a series of figures provided by Caesar detailing the amounts confiscated from non-aristocratic Romans during the civil war, providing some idea of the wealth of Roman businessmen in the provinces in the mid first century. For the sake of comparison right now, our figures should perhaps be compared to Pliny's treasury figures above or to Plutarch's admittedly tendentious amounts for Rome's total revenues in the late Republican period. Claiming to report the figures advertised in Pompey's triumph of 62, Plutarch tells us that Pompey added either 140 million or 340 million sesterces to a pre-existing annual revenue of 200 million sesterces, and although it would be unwise to push the reliability of these figures too far, we can take them as a rough order of magnitude.[55] Compared to these figures, the wealth held by Roman aristocratic estates and by Roman businessmen in the provinces is more than respectable. Each of these two constituencies will be examined.

To the wealth of aristocrats first. Shatzman estimated the total wealth of the great P. Cornelius Scipio Africanus, conqueror of Hannibal and the man who established the Romans in Spain, at approximately 4.8 million sesterces. Two or three generations later, the wealthiest man in Rome had more than twenty times that: P. Licinius Crassus Mucianus, consul of 131 and Pontifex Maximus, was said to be worth 100 million sesterces.[56] A similar jump can subsequently be seen in the ownership of silver. In the same generation as Mucianus, in 146, Scipio Aemilianus carried in his triumph from Carthage somewhere around 4370 pounds of silver. According to

[55] Plut. *Pomp*. 45. As another frame of reference, Polybius 2.26.1 tells us that a tax on all of Attica to raise 10 000 men and 100 ships, yielded just 138 million sesterces (5750 talents). If this is valid, then Attica alone could raise a sum worth 69% of what Rome was drawing from all of its province prior to 62. We also use the treasury figures of Plin. *N.H.* 33.56 discussed above. Leaving aside the ambiguous figures provided in Plutarch's text, however, it is entirely unclear what exactly Pompey is counting (cf., *inter alia*, Hopkins 1980: 116-7), and given the measurement in drachmae, it is probable that Pompey was ignoring taxes in kind from provinces like Sicily, thereby seizing a propaganda opportunity to magnify the share of revenues brought in from his 'monetary' provinces. Despite previous efforts (see Hopkins 2008: 183 for recent discussion) any hope of accurately reconstructing the state's 'budget' is slim at best; see Harris 2008: 514 n. 10: "The size of Rome's revenues is probably an insoluble problem."

[56] Shatzman 1975: 246-8, 253-4.

Pliny this was all the silver found in Carthage, but Scipio's nephew was apparently to become the first man to own 1000 pounds of silver personally, and M. Livius Drusus, who died in 91, was said to own 10 000 pounds of silver, a ten-fold increase in one generation.[57] The same phenomenon can be seen in the houses of the next generation as well. In 78, the consul M. Aemilius Lepidus built the finest house in Rome, probably out of profits he had made in the proscriptions and during his term as governor of Sicily; within 35 years, Pliny claims, the growth in private wealth meant that his house was no longer within the finest hundred.[58] Mark Antony's property in Rome was on a scale to sustain rumours that he was diverting all of Rome's grain shipments to his own house.[59] By the very end of the Republic, the greatest private fortunes in Rome dwarfed those of Drusus or Lepidus. M. Crassus famously said that no man could be considered rich unless he could support a legion on his annual returns.[60] His lands were apparently worth 200 million sesterces, to which could be added silver mines and an army of slaves.[61] During his first consulship in 70, Crassus supplied grain to the people (*demos*) for three months, and as part of a sacrifice to Hercules he feasted them on 10 000 tables – "yet [Pompey] could have bought Crassus out without feeling the pinch."[62] Together, these two fuelled electoral

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**57** Pliny *N.H.* 33.141. If melted down, 10 000 pounds of silver would be worth 3.36 million sesterces. See also Pliny *N.H.* 33.17, which reports a reserve of 22 070 lbs of silver right before the Third Punic War.

**58** Pliny *N.H.* 36.109. For Lepidus' wealth, see Shatzman 1975: 262. On the growth of private wealth, see Harris 2008: 524 citing the *domus Lepidi* and Scheidel 2007. According to Sall. *Orat. Lep.* 18, Sulla forced him to profit from the proscriptions as a show of loyalty.

59 Cic. *Att*. 14.3.1. Finley 1999: 101, tracing the growth of private estates, points to the fact that several families were occupying over 1000 iugera of public land in 133. Once the commission started redistributing this land, there is a jump in census figures, an indication of the extent to which the rich were hoarding land (though for other approaches to the census figures of 125/4, see De Ligt 2004: 744, 754). By the end of the Republic, a man like Domitius Ahenobarbus could offer 25 iugera to 4000 or 15000 soldiers, with larger donations to officers. The discussion continues with an examination of provincial estates during the Empire at Finley 1985: 112.

**60** Plin. *N.H.* 134.

**61** Badian 1968: 81-2 reminds us that the figure is based on no more than Crassus' own potentially dubious boasts. The figure of 200 million sesterces (or 50 million denarii) is given at Pliny *N.H.* 33.134, and Plutarch gives the very simliar figure of 7100 talents after sacrificing one tenth of it, which would put the original total at 46.86 million denarii or 187.44 million sesterces (Plut. *Cras*. 2.2). On his wealth, see also Shatzman 1975: 375-8.

**62** Badian 1968: 82. On Crassus' euergetism, Plut. *Cras*. 12.3.

bribery in 56 which was so intense it saw interest rates double.[63] No figure survives of Pompey's worth, and it is possible that the complexities of his foreign loans meant that the great man himself would have struggled to put a number on it. We are told, however, that his son was decreed as much as 700 million sesterces from his estate, and given that his father had lost the civil war, this may not even have been near a majority share.[64] We also know of fourteen different estates in Italy, of astronomical sums loaned to kings like Ariobarzanes III and Ptolemy Auletes, of *viritim* distributions of at least 1500 sesterces to his infantrymen from the Eastern campaigns and distributions of over 100 million sesterces to his senior staff.[65] This last fact meant that Pompey was making several of his subordinates wealthier than Crassus Mucianus, who, we saw above, was probably the wealthiest man in Rome just seventy years before.[66]

All of those just mentioned were from the uppermost echelon of Roman society, and had benefitted variously from military success and proscriptions, the two most important sources of economic profit in this period. The scale of the former might be visible in the relative poverty of L. Aemilius Paullus, who famously limited his share of the Macedonian booty and died with a meagre 1.48 million sesterces.[67] His situation could not be more different from that of, say, Pompey. Of the latter, it need only be reported that Sulla's auctions yielded 350 million sesterces.[68] Our second set of figures, however, reveals that even those without triumphs or the

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[63] Cic. *Att.* 4.15.7.

[64] Despite App. *B.C.* 4.94 referring to τὸ τίμημα…τῶν πατρῴων, which might have suggested the entire valuation of Pompey's property. Appian's figure of 200 million sesterces (*B.C.* 3.4) is lower than the 700 million at Cic. *Phil.* 13.12, but higher than the 70 million later decreed to him at Misenum (Dio 48.36.5). Hadas 1930: 63 n. 25 was probably right to reject the emendation of Cicero's *septiens miliens* to *bis miliens*, though it would conveniently bring Cicero in line with Appian.

**65** The references are conveniently collected at Shatzman 1975: 389-92.

**66** A potentially interesting qualifier on all this is the problem of inflation. There is no doubt that richer became richer in this period, but the effect may be exaggerated by expressing the value of estates in sesterces.

[67] On his wealth, which still probably yielded around 130 times the pay of a legionary, see Brunt 1988: 29 and 246 with references.

[68] Liv. *Per*. 89. Shatzman 1975: 271 points out that the minimum property of 4700 equestrians was 470 million sesterces. Even if the figure of 350 million did not include the property of senators (which it surely did) and no equestrians were richer than the minimum property qualification (they surely were) these

estates of the proscribed could amass significant fortunes by exploiting the empire's various opportunities. It is one thing to point to the riches of a Pompey or a Caesar, but in what follows, we will see that even those several rungs down the social ladder were enriching themselves more effectively than the state was managing to do.

It is rare that we are given firm information on the levels of wealth possessed by non-elite businessmen, but a handful, unfortunate enough to be caught in the depravations of civil war, flitter through our line of sight. In the midst of armies, there was little they could do to resist demands for money. M. Varro, for example, forced contributions from Roman citizens (or so Caesar describes them for his Roman readership) in his province of Hispania Ulterior worth 18 million sesterces in cash, 20 000 pounds of silver (worth, at 84 denarii to the pound, 6.72 million sesterces in raw material alone) and 120 000 modii of wheat. This meant that the Roman citizens of Hispania Ulterior – and this was only those who could be found by Varro – had more than 18 million sesterces in coin and 20 000 pounds of silver *on hand with them*.[69] At Thapsus Caesar imposed a fine of 2 million sesterces on the city, plus 3 million on the Roman citizens who lived there. He imposed a fine of 3 million sesterces on the city of Hadrumentum, plus 5 million on its *conventus civium Romanorum.*[70] Each pales into insignificance compared to the money on offer at nearby Utica. Caesar there confiscated the property of the resident Roman citizens and sold it back to them for 200 million sesterces over three years, or an annual payment of one third of the total revenues the pre-Pompeian empire was supposedly generating.[71] The ancient economy could generate but slender surpluses, so the ability of private businessmen to draw state-like revenues

figures would still mean that the property at the auctions was undervalued by around 25%. Given that the real figure had to account for senators and wealthy knights, the scale of riches on offer in the proscriptions should be clear.

[69] Caes. *B.C.* 2.18.4. The sesterces must have been in cash, since credit was of no use to soldiers who could be deployed elsewhere at any moment. On private wealth in Spain, Broughton 1974 remains an excellent survey.

[70] "Caes." *Bell. Afr.* 97. The added fines on the Roman population may reflect his expectation that they would lend the city the money for its fine, and hence was designed to cover that profit. It is difficult, however, to see how the *conventus* was in a position to loan large sums at this point.

[71] "Caes." *Bell. Afr.* 90.

speaks volumes for the extent to which imperial profits were being directed away from the treasury. If we were to add the other cities of Africa (beyond just Thapsus and Hadrumentum), as well as those of Gaul and Spain, plus Greece, Asia, Syria and, especially, Italy, the implication would be a pool of private resources which render the revenues of the Roman people a mere drop in the ocean.[72]

To fully appreciate this discrepancy between public and private wealth, we need to return to the concept of decentralisation of resources.[73] To achieve certain societal goals at Rome and elsewhere, resources were commonly centralised in the state to be used in a more effective fashion. The most obvious example is that of warfare, for which manpower and money had to be centralised and which, through their unified deployment, were able to overwhelm all competitors. Once the war was won, however, the profits of that state effort had to be used and distributed in some way. They could remain centralised or they could be redistributed in more decentralised forms. In almost any political environment, state agents can find ways to leak these public resources out into private society, whether through corruption or through the pursuit of certain types of distributive policies. As policymakers, Roman aristocrats had immense control over the extent of resource decentralisation. They determined to a high degree the level of revenues raised, the spending practices adopted and the degree of oversight needed to prevent corruption. Especially in war, the aristocracy had opportunity after opportunity to decentralise public funds. It is worth briefly expanding on this point.

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[72] These figures suggest wider ramifications. If we take the conventional figure of 5% as the annual return on agricultural land (Duncan-Jones 1982: 33), we can hypothesise that Crassus' 200 million sesterces worth of land would generate an annual income of 10 million sesterces. Caesar's exactions at Utica alone, therefore, equalled the agricultural income of nearly seven Crassi. Given that the residents of Utica were no doubt less wealthy than the legendary Crassus, this may support the suggestion of Crawford 2008 that there far higher numbers of Roman citizens in the provinces than previously entertained. Errington 1988 concentrates on the way that trade preceded the flag in Roman expansion, and we should not underestimate the fortunes made by Romans beyond the frontiers of the provinces. On the number of Romans at Utica in the late second century, see Sall. *B.J.* 64.5: *negotiatores, quorum magna multitudo Uticae erat.*

[73] Mann 1984: 209-12; Mann 1986: 521. The concept has already been discussed in the introduction.

Upon mobilisation for war, contracts had to be issued to supply the fleets and armies.[74] The best example is perhaps that of the praetor C. Sulpicius Gallus, who let a contract in the middle of the Third Macedonian War for the supply of 30 000 tunics, 5 000 togas and 200 horses to a location of the commander's choosing.[75] The size of private profits in this sort of state service is never specified, but the desperation of contractors not to be excluded from the bidding in 169 shows that at least some contracts were worth a feud with the most powerful of leaders.[76] There is some archaeological evidence that, by the end of the Republic, a commander like Pompey could fulfil the supply contracts for his own army and fleet, a state of affairs which must certainly have given him greater control over supply, but was also another opportunity to decentralise public funds.[77] Once the war was won, however, the scale of decentralisation could increase further. The most critical single step was in the distribution of booty, over which the commander had complete control, and he was hardly likely to shirk his own share or that of his trusted lieutenants.[78] There was little to prevent a commander from leaving to the treasury a minor share of the profits from a successful war, which, given that war was a communal effort on the part of the Roman people, reveals the remarkably low entitlement granted to the communal over the private. Once a province was pacified, a tax or tribute system could be imposed, which offered various opportunities for decentralisation. As discussed in depth in the preceding chapter, tax farming systems offered enormous profits to contractors and reduced the political risks of magistrates' profiteering by capping the state's claim to revenues. In some circumstances, a governor could

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[74] The standard treatment remains Badian 1972.

[75] Livy 44.16.4, with Badian 1972: 28-9. The most famous example occurred during the stress of the Hannibalic War, when contractors had to be willing to perform the supply functions on credit because the state lacked the resources to pay up front (Livy 23.84.5). The same period even saw the resort to donations of precious metals to fund the war: Livy 26.35-6; Festus s.v. *tributorum contationem* (see below).

[76] Livy 43.16.2-16 with Badian 1972: 39-40.

[77] Manacorda 2005, cited approvingly at Crawford 2008: 638-9.

[78] Shatzman 1972; Flaig 2003: 40-1. The evidence for booty is collected at Frank 1933: 127-38, 230-1, 324-6. The most notorious distributions to lieutenants were those of Pompey after his wars in the East, the evidence for which is collected at Shatzman 1975: 389-92.

forego public taxes or fees in exchange for a private bribe.[79] In others, areas confiscated as public land could be occupied by aristocrats who, unsurprisingly, never instituted the kinds of authorities needed for the state to evict them. Perhaps the most lucrative opportunity for decentralisation was in the imposition of heavy exactions which could not be met within a stipulated timeframe: the foreign community would then be forced to borrow, which would involve Italian financiers demanding exorbitant interest rates. In the wake of Sulla's war with Mithridates, the total bill for these exactions apparently reached 2.88 billion sesterces, far beyond the scale of anything seen in Roman history to that point, and the rapacity of creditors was crippling.[80] Even the astonishing 700 million sesterces left in the Temple of Ops in 44 appears minor in comparison to that.

There were, therefore, myriad ways to decentralise resources, and the importance of this privatization cannot be overstated.[81] To generate the sorts of enrichment seen in the last century and a half of the Roman Republic, there were few if any alternatives to military success, and there was certainly no way that the aristocracy could achieve the military successes to which all of Rome had become accustomed without utilising the state. The state alone could centralise the necessary human, military and financial resources capable of conquering foreign enemies, and so a large degree of centralisation was absolutely necessary for most of Rome's expansionary history.[82] In an ancient context, in which domestic surpluses were slender, the kind of enrichment seen in the late Republic could only come from a limited number of sources, warfare being the most obvious. But having earned riches through centralised endeavour, it was an open question as to whether there would be a corresponding degree of centralisation in distributing the profits. This appears not, on the whole to have been the course pursued.

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[79] See, for example, Antony at Cic. *Phil*. 2.97.

[80] Plut. *Luc*. 20, with Nicolet 1992: 639.

[81] On the role of warfare in premodern economic growth, see Pleket 1992, Hanagan 1999.

[82] Of course, even once individuals had the resources for private armies, it did not mean that fielding them was politically feasible. See Crawford 2008 on the rise of these private states. On private military forces, including a relatively early example like that of Scipio Aemilianus in Spain, see Shatzman 1975: 91-2.

It would, of course, be erroneous to claim that the treasury's revenues never increased in the course of expansion – the most glaring proof to the contrary could be found in the monumental overhaul of the city and parts of the rural landscape through the second century. But not all building was evidence of decentralisation. The great censorial programs or an aqueduct like the Aqua Marcia were undoubtedly products of resource centralisation, built as they were from the treasury's reserves.[83] Manubial buildings, however, were the product of decentralisation, since they were funded by spoils of war entirely in the control of the commander. The share of spoils dedicated to building was at his discretion, and he could have spent it on something else had he wished to. It was, in a typically Roman blurring of the two, private building in public space. The spending of *spolia* was therefore subject to the same incentives for centralisation and decentralisation as all other revenues, and if the commander chose to build a public monument, this was because he saw personal gain in that course of action. As a counter-example, use of private funds in the Hannibalic War stands out. In the depths of that war, elite goals were shaped around the survival of the Roman polity, and interests were best served in military success. They therefore chose to centralise their own private property for the state's use by donating precious metals and slave labour. Without such a potent *metus hostilis*, however, it was unlikely that any goal would require such a degree of resource centralisation.[84] Decentralisation became the favoured course. The thesis here is that incentives encouraged the accumulation and use of private over public resources, and I would argue that manubial building in no way defies this.

In the case of triumphal building programs, it is undoubtedly true that resources were being put to collective *use*, but the important point is that their employment was subject to individual *discretion*. A victorious commander could have pocketed the costs of construction and

[83] An impressive 180 million sesterces in the case of the Aqua Marcia, including repairs of other acqueducts (Front. *Aqu*. 1.7). This allowed the thesis at Boren 1958 that the completion of the aqueduct program resulted in an economic slowdown because government spending had suddenly dried up.

[84] Livy 26.35-6; Festus s.v. *tributorum contationem.* It should be remembered that such generosity was repaid through the donation of *ager publicus* (Livy 29.16.1-3).

spent them on another villa, because it was his own private funding. If he chose not to, it was because the social capital offered by a monument – complete with the builder's name inscribed on the frieze – outweighed the benefits which purely private consumption could deliver, but this does not render the resources or their expenditure in some sense public.[85] Building that was truly public was a different story, but as I argue in the appendix to this chapter, the right of one or two magistrates to spend collective funds sat uneasily with the power sharing structures of the Roman aristocracy. Censors like M. Aemilius Lepidus and M. Fulvius Nobilior in 179, granted a full year of revenues for their building program, could earn eternal glory for the scale of their building. The fact that they are an obvious example after so many centuries testifies to the fame gained through construction and renovation programs, but Lepidus also serves as an example of how problematic public building could be. Not only was the collective property of the Roman people being spent by just two censors on their own eponymous structures, Lepidus played the system for his own personal financial profit: part of his famed building program involved a mole at Tarracina, and included in the budget for that project were renovations to his private estate in the area. Lepidus even convinced the senate to grant him an additional 8000 sesterces for games at the dedication of two temples vowed during his proconsular war in Liguria.[86] He had made lavish promises that he could not afford, and now, with Juno Regina's divine favour in the balance, collective funds had to be used for his temple dedications. This highlights the problematic situation for the elite. Public expenditure absolutely corresponded with Lepidus' own incentives for personal advancement – since he was acquiring untold social benefit through the use of these

[85] For the competing economic incentives involved in private wealth and public euergetism, see Silver 2007. For the sociopolitical benefits of this kind of construction, see Hölkeskamp 2010: 65 with further references. I do not consider funds spent on manubial spending to have been part of the public revenues because they were only ever at the discretion of the commander, and if he chose to declare them all to be his private property, they would be. They were his personal property until he distributed them to his subordinates and to the treasury.

[86] On the year's revenue allowed for the censors' budget, Livy 40.46.16. On the building program in general, Livy 40.51. On the mole at Tarracina, Livy 40.51.2. On the manubial temples, Livy 40.52.1-2. See also Harris 2003: 282, who argues that the second century reconstruction program only reflected a change in resources, not in governmental attitude, since there had been early and middle Republican infrastructure projects.

resources – but the rest of the elite, every bit as much the owners of public property as Lepidus, gained nothing and fell behind their censorial peer. Compared to aedilician or manubial building, the censorship became legitimised free-riding, whereby a privileged few were allowed to advance their prestige without using funds raised through their own deeds. What made it even worse, of course, was that the funds they were using partly belonged to their aristocratic rivals. This uneasy relationship between censorial building and the usual incentives for decentralisation may be one of the reasons for the diminishing profile of the censorship. Moreover, if centralised expenditure generated the kind of resentment I am positing here, it may also explain the reluctance to accumulate large public revenues; if the treasury were emptier, those without censorships would not have had to watch the fortunate few adorn the city without them.

If this treatment of private and public wealth is correct, it is safe to say that private wealth completely outstripped public wealth and that the collective was relatively starved even as taxed provinces were established around the Mediterranean basin. The reason for this was that the Rome's rulers usually saw their goals best met through private finances. Why this was has largely been answered before. Hopkins put it best:[87]

> "Once urban markets had been established, land-ownership provided the elite with continuous income, whereas exploitation of the provinces did not. For under the Roman political system, aristocratic families had to seek election to political office from the plebs. The great majority of Roman aristocratic families ran the risk of not securing election to high office in each generation and the chance of provincial profit which went with it. When they did reach office, the pressure to

[87] Hopkins 1978: 14. See also Humphries 1990: 294-5 in a short but clear treatment, Mann 1986: ch. 9 and Brunt 1971a: ch. 1-2, more from the perspective of the poor. Wiseman 1970 interprets road building in a way very similar to my own approach here. Crawford 1974: 633-4 depicts public expenditure as a contested privilege among *nobiles*, *equites* and *populares*.

make a profit, and to convert their booty into landed income was all the greater."

I would argue, however, that this is only half the story. Behind the decision to privatise imperial profits were fiscal circumstances which were all but unheard of until the twentieth century, and which even now are only seen in the rare handful of countries which can be termed rentier states.

*Rentier States*

A rentier state is a state whose resources are overwhelmingly derived from foreigners paying for the use of the state's resources.[88] The archetypal examples are oil states like Kuwait and Saudi Arabia, which earn almost all of their income from the sale of natural resources and which, as a result, can turn the usual relationship between state and society on its head. Because the central state has monopolised the sale of oil, it dominates the economy, allocating its vast revenues in budgetary expenditure as a universal patron of society. Far from needing to extract a portion of the private resources earned and owned by private social actors, these citizens actually need to ingratiate themselves with the state in order to capture for themselves a slice of the oil revenue. It is this ability of the rentier state to escape any reliance on the national economy, to control it in fact, which gives its rulers such freedom to act as they wish.[89] Without the bounty of public revenues delivered by oil, rulers would be reliant on the citizenry for economic resources, and they would have far less freedom to spend as they wished. Theoretically, this state of affairs

[88] Luciani 1987: 11. See also Moore 2003:12-6 and Schwarz 2007: 2 n.1: 'Rentier states are those states that derive most or a substantial part of their revenues from the outside world and whose functioning of the political system depends to a large degree on accruing external revenues that can be classified as rents.' Luciani has proposed the replacement of the term 'rentier state' with 'allocative' or 'exoteric state': "We may define allocation states as all those state whose revenue derives predominantly (more than 40%) from oil or other foreign sources and whose expenditure is a substantial share of GDP." The same problem, persists, however, in that the ancient economy did not produce a large enough surplus for GDP to be driven by the taxation of a surplus.

[89] Luciani 1990: 67. The same arguments can be found in Luciani 1987. See also Moore 2003 for a treatment of the relationship between fiscal sociology and the study of rentier states.

might lead to a very thin state, since pre-existing riches meant that there was need neither for measuring, extracting and compelling nor for the delivery of public goods in exchange for taxation.[90] This would resemble the Roman state of affairs. In practice, however, most rentier states share a very different trajectory. The role of benefactor has generally meant that, in the case of oil states, large state institutions have indeed been built up, allowing the employment of large proportions of the population and the coordination of wide reaching expenditure.[91] This course of action has been chosen by rulers of oil states because it suits their political goals, and this can be quickly illustrated.

The history of Saudi Arabia shows that the thick state was not the immediate reaction of the ruling regime to the riches of oil. Before 1964, when Faysal came to the throne in a palace coup, much of the state's revenues had been spent on the royal family's private palaces, and though new ministries had been created, they were poorly managed and scarcely funded. Despite the oil bonanza, the state and the royal family – a unit – had managed to accrue debts of $480 million by 1958.[92] Faysal transformed the trajectory of Saudi Arabian society by dedicating his oil revenues – now expanded thanks to high prices during the embargo – to the creation of a thicker state which would allow the state and its ruler to act as patron over the citizenry. Having

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[90] Vanderwalle 1987: 160: "The rentier state can govern by using the rents it receives. It needs, at best, a few professionals to negotiate the size of the rents with the purchasers-producers. There is little use for an elaborate bureaucracy; the international companies producing the rents also effectively act as tax-collecting agencies for the local governments. There is at the same time little concern for production-oriented behaviour, while attention focuses on income allocation. The rentier nature of state revenue thus militates against the creation of a strong state or the involvement of its corresponding society. In this light, the massive revenues accruing to the government in a rentier state are a double-edged sword, allowing the local governments to dole out revenues with minimum attention for representation, on the basis of the reverse principle of no taxation without representation."

[91] There are some clear trends in the development of rentier states. Moore 2003: 15-6 offers seven dominant characteristics of the rentier state: 1. State autonomy from citizens; 2. Intervention by foreign nations; 3. Coupism, because the rewards of a takeover are high; 4. Few incentives for civic politics; 5. Vulnerability to subversion, because the absence of extractive apparatuses allow government capacity to atrophy on the ground; 6. Opaque public spending practices; 7. Ineffective public bureaucracy. On the inefficiences of bureaucracy in rentier states, see Chaudhry 1994: 18 and Beblawi 1987: 55. Abdel-Fadil 1987: 83-7 examines how oil rents create a rentier mindest throughout the state and the economy, as everybody becomes dependent on the use and reinvestment of oil revenues.

[92] Al-Rasheed 2002: 95-107. See also Cleveland & Bunton 2009: 217-33 for a concise treatment of Saudi history before the riches of oil kicked in.

himself coordinated a palace coup, Faysal now merged his household with the expanded state, making both family members and public employees dependent on his distribution of salaries and gifts. This role as benefactor tied into the traditional "redistributive role of central power in Arabia."[93] The state became more powerful:

> Oil revenues allowed generosity to surpass the regular feast of lamb and rice and the occasional gift of cloth, dates and weapons. Under Faysal's rule, the state became the source of welfare benefits, medical treatment, new houses, travel documents, legal deeds, birth and death certificates, places at school or university, scholarships to the USA, terrain for agricultural production, construction sites and cash gifts for weddings and hardship. The list was long. More importantly, the state became a gatekeeper that mediated the existence of all citizens. Its influence penetrated all aspects of economic and social life**.**[94]

As the ruler, independent and reigning until death, Faysal had every reason to enhance the profile of the state since it was *his* state. As its fortunes rose, so did his, and as citizens became dependent on it, they became dependent on him. But as Hopkins argued above, the short terms and collegiality of Roman office-holding, as well as the communal control of resources through the senate, meant that it was not in the interests of the individual Roman aristocrat to enhance the power of the state since he had such fleeting control over it. In fact, during the second century, the aristocracy established an increasing set of road blocks to slow the progress of its most stellar young members and prevent the rise of a single outstanding peer.[95] Since there

[93] Al-Rasheed 2002: 125.

[94] Al-Rasheed 2002: 126. The full story can be found at Al-Rasheed 2002: 122-8.

[95] Eloquently expressed at Astin 1989: 175: "Scipio had drawn uncomfortably ahead of his competitors…But whether or not it happened in conscious reaction to Scipio, there are unmistakeable signs of a collective senatorial concern to prevent further instances of early and spectacular advancement, and of

was no end in sight to this general fear that power might accrue in the hands of an individual, there was every incentive to pursue a course of resource decentralisation and suppression of the state's role in society.

What gave them such freedom to privatise the fruits of public endeavour, however, was the fiscal system, the establishment of rich provinces capable of funding state activity in the absence of domestic taxation. Hopkins is right that there was massive decentralisation, but I argue that the nature of tribute and taxation drove this dynamic. By ensuring that the state could fund its minimal needs without citizens becoming tax-paying stakeholders, the Roman aristocracy after 167 found themselves with the freedom to treat imperial profits as their own. A Roman statesman could claim that the urban *plebs*, free from taxation and underrepresented in the legions, was owed nothing by the state, while the rural *plebs* was dispersed and disorganised. The aristocracy, then, was not tied to the reciprocity usually implicit in taxation. Lacking Faysal's political incentives to create state dependencies throughout society, Rome's rulers pursued a course more in line with Faysal's predecessor, Saud. The state did not develop apace with its challenges, while private expenditure skyrocketed.

It is impossible to know just how much or for just how long discontent with this condition had bubbled away under the surface, but given vent, it made itself known. Having constituted the legions through which the provinces were won, it was not unreasonable that the soldiers might expect a greater share of the fruits. The allied soldiers, by rebelling from Rome's hegemony in 91, had the fairly obvious goal of extending citizenship throughout Italy, but for those who were already citizens, their goals were less obvious, even if their plight apparently was not. Plutarch presents a speech of Tiberius Gracchus which contrasted the poor citizen's status as

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extraordinary and lengthy exercise of magisterial power – a concern to constrain the careers of even the most able and ambitious within a limiting framework." See his convenient summary at p. 175-80 and Brunt 1988: 44-5. Flaig 2003: 42 goes a step further. Having made a fortune in provincial government in one generation, a family's wealthy scions were in a better position to win elections and receive lucrative provinces in the next, thus reinforcing the privileges of the most successful over time. This threatened the fabric of the aristocracy.

master of the world with his inability to own any piece of it. He highlighted the futility of fighting for hearth and home when scarcely anyone possessed either.[96] It is all well and good to identify the incentives which bound the rulers to a thin state, but there were many more interests in Rome than just those of the elite. The extent to which the bulk of the population could benefit from the Empire came to a head in the 130's, as calls were made for the state to import grain and as Tiberius elevated the rhetoric of an entitled population. Although they certainly did not appear *ex nihilo*, the dominant tradition nonetheless traced this phenomenon back to the Gracchi.[97]

### *The Gracchi*

The Gracchi have been given the dubious distinction of opening the period which saw the collapse of the Roman Republic. Appian's history of the civil wars began with Tiberius' tribunate, though the conflict surrounding his term of office bears little superficial resemblance to the Mediterranean-wide armed conflicts which would make up the bulk of the narrative. The briefest of summaries can be offered.

As tribune in 133 and in the face of stern opposition, Ti. Gracchus passed a law to distribute public land in the form of small farms. When the senate tried to starve his allotment commission of funds, he seized upon the recent bequest of the kingdom and treasury of Pergamum to the Roman people, arguing that the heir was the *Populus Romanus*, and if the *populus* wished him to use the funds for his agrarian law, then he would do so. Amid an attempt to have his tribunate extended to 132, he was killed along with his followers, apparently 300 of

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[96] Plut. *Ti. Gr.* 9.4-6 = Ti. Grac. 13 Malcovati. See L. Marcius Philippus' later comments that there were not 2000 citizens who held property (Cic *Off.* 2.21.73).

[97] Badian 1972: 677: "The Gracchi almost at once became the foundation heroes of *popularis* tradition… They also at once became the foundation villains of those optimates who saw in their activities the beginning of the crumbling of a divinely ordered *res publica*." For sensible stress on agitation prior to the Gracchi, including the issue of grain imports just mentioned, see Taylor 1962 and Garnsey & Rathbone 1985.

them. Ten years after this episode, Gaius became tribune for 123, and achieved another year in office in 122. Though he implemented a more ambitious program of road building, colonisation, jury reform, civic rights, the institution of taxes and more, he failed in other proposals, including the extension of citizenship to Rome's Latin allies and perhaps the upgrading of other Italian allies to Latin status. During his second year as tribune, his opponents gained traction through increasingly lavish promises and rhetorical attacks on specific policies – particularly that regarding extended citizenship – and not long after the end of his term, a horrifying wave of violence was unleashed by the consul L. Opimius, ending in the death of Gaius with far more supporters than had died with Tiberius.[98]

The decision to pursue such unorthodox careers is what set the Gracchi apart from their peers.[99] Their aims broke the mould, and this unconventionality goes some way towards explaining why the usual processes of compromise so utterly failed in 133 and 121.[100] They were most certainly not outsiders, being descended from legends of the Republic on both the paternal and maternal sides, yet in their means and in their ends they so severely defied convention that their deaths were seen by many as reasonable.

Born in 162 and 153, the Gracchi belonged to the first generation of Romans who had never known *tributum* and who grew up in a city already accustomed to such a high degree of monumentalisation. Even in the late 150's, several of the dominant senators were men who had lived through the hardship of the Hannibalic War: M. Porcius Cato lived until 149, M. Aemilius Lepidus died some time around 152, and Ti. Sempronius Gracchus was obviously still alive when Gaius was conceived. Even the senior senators of the 140's and 130's had not opened their careers with the kinds of revenues familiar to the Gracchan generation. For the latter, cash tribute from Macedonia and Achaea were in place and were far more predictable than the indemnities

[98] An excellent narrative can be found at Lintott 1992.

[99] Meier 1966: 98.

[100] Badian 1972: 707.

and booty which made up so much of the revenues of earlier generations. The Gracchi lived in a city rebuilt with the profits of conquest, funded by provincial taxes and fed by tribute grain. It is likely that, in advocating a more proactive exploitation of the Empire, they were products of their time.

Where the decision in 167 had been to abandon *tributum* and close the Macedonian mines – distinctly not pursuing a course of profit maximisation – Gaius in particular oversaw a dramatic increase in both revenue and expenditure. His grain law, his plan to supply equipment to legionaries, his programs for roads and colonisation: these all involved the raising and spending of funds on a vast scale. Tiberius had already set out the principle that communal property should be distributed for the benefit of the community, and while he had focussed on the distribution of existing public property, Gaius would take steps to raise new resources and to distribute an even greater patrimony of the Roman people.[101] He perhaps thought that, so long as he instituted new taxes, he could protect himself from the charge of fiscal recklessness, but there is no doubt that part of the war against him was fought over this issue of excessive expenditure. By Cicero's time, the tradition surrounding Gaius had portrayed his tribunate as the wasting of the treasury:[102]

> And indeed Gaius Gracchus, although he had effected the greatest handouts and drained the treasury, nevertheless used to defend the treasury in his speeches. Why should I listen to his words when I can see his deeds? L. Piso, the one called Frugi, had always spoken against the grain reform. Although a former consul when the law was passed, he had come to receive grain. Gracchus noticed

[101] Tiberius' remarks are preserved at Flor. 2.1, with App. *B.C.* 1.11: διηρώτα … εἰ δίκαιον τὰ κοινὰ κοινῇ διανέμεσθαι. See also Brunt 1988: 50-1, 346-7 and Ungern-Sternberg 1988: 181.

[102] Cic. *Tusc Disp.* 2.48: *Et quidem C. Gracchus, cum largitiones maximas fecisset et effudisset aerarium verbis tamen defendebat aerarium. Quid verba audiam cum facta videam? L. Piso ille Frugi semper contra legem frumentariam dixerat. Is lege lata consularis ad frumentum accipiundum venerat. Animum advertit Gracchus in contione Pisonem stantem; quaerit audiente p. R., qui sibi constet, cum ea lege frumentum petat, quam dissuaserit. 'Nolim' inquit 'mea bona, Gracche, tibi viritim dividere libeat, sed, si facias, partem petam.' Parumne declaravit vir gravis et sapiens lege Sempronia patrimonium publicum dissipari? Lege orationes Gracchi, patronum aerarii esse dices.* See also Cic. *Sest.* 103.

> him standing in the crowd and, with the Roman people listening, asked, "what sort of consistency is this, when a man wants grain under a law against which he himself had argued?" "Gracchus," he replied, "I wish you did not want to divide my goods man by man, but should you do it, I will seek my share." Is it not enough for you that this influential and wise man declared that the public patrimony was frittered away under the Sempronian law?

This charge of 'frittering away' public riches could not, however, have been further from Gaius' own portrayal of his tribunates: "I myself, who speak before you in order that you may grow your revenues and thus more easily administer your bounty and the *res publica*, do not come before you for free; it is not money that I seek, however, but a good reputation and honours."[103] In the same passage, he would go on to contrast his own concern for the *res publica* with each opponent's priority of his *res familiaris*. He boasted that, as quaestor, he alone returned from his province with an empty purse.[104] The amounts raised by his new taxes – and the tax farming of Asia must have been the major contributor – elude us, but it is difficult to see how his new expenditure could have exceeded his new revenues by much.[105] Certainly, if he failed to raise enough funds to pay for his programs, it was not for lack of trying. The addition of Asia's tithe to the state's revenues was a landmark in Rome's fiscal history, as later references to the singular importance of this province reveal.[106] Gaius had gone a long way towards protecting himself from the charge of bankrupting the treasury, but his bottom line was not the only point at which he was open to attack. Perhaps because they could not find deficits to criticise, some of his

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[103] C. Grac. 44 Malcovati: *Ego ipse, qui aput vos verba facio, ut vectigalia vestra augeatis, quo facilius vestra commoda et rem publicam administrare possitis, non gratis prodeo; verum peto a vobisnon pecuniam, sed bonam aestimationem atque honorem.*

[104] C. Grac. 28 Malcovati.

[105] Attempts to estimate the total revenues from Asia can be found at Broughton 1938: 562-5 and Brunt 1988: 153-4. On the affordability of the grain law in particular, see Meijer 1990: 15-6.

[106] The Asian *vectigal* is singled out at Cic. *De Imp. Pomp.* 14, 19; *De Leg. Agr.* 2.80; *Att.* 9.13.4.

contemporaries chose to question what Gaius hoped to gain from all this new spending, even if it was fiscally sound. C. Fannius, consul in Gaius' second tribunate, argued that the deployment of the treasury revealed tyrannical aspirations: "If for Phalaris, Peisistratus and all others, it was largesse alone which more than anything else established tyranny, why is it that you do not believe Gracchus to be aiming at the same thing, when you see him doing that which they did?"[107] Fannius, perhaps unable to point to an irresponsible deficit, made the case that the only reason a leader would want to deliver public goods of these kinds was to seize sole power through popular support. Whether Fannius believed this is ultimately unknowable, but it is worth pointing out that no attempt was apparently made to argue against the utility of Gaius' programs.[108] Instead, a case was made that, because of their obvious popularity, these programs threatened *libertas*.

The precise way in which the Gracchi threatened freedom, however, is more complicated than the simple claim that tyranny always and obviously threatens *libertas*. Scipio Aemilianus famously defined freedom from the aristocratic perspective: "out of integrity comes respect, out of respect comes public office, out of public office comes authority, and out of authority comes freedom."[109] This freedom – specifically aristocratic and unmistakeably born of a hierarchical environment – places the individual's worthiness at the heart of things, and demands that he have

[107] Fannius 7 Malcovati, noting the word order connecting *largitio* and *dominationem*: *Si Phalaridi et Pisistrato et ceteris omnibus una res maxime, largitio, dominationem comparavit, quid est, quod non idem Gracchum adfectare credatis, quem eadem quae illos facere videatis?* See also Fannius 6 Malcovati: *non debetis largitionem permittere; nam et Dionysius et Pisistratus cives largitione corrupterunt.* And Oros. 5.12.

[108] Ungern-Sternberg 1988: 183. The senate even chose to steal Gaius' thunder by outbidding him. Importantly, Polybius considered control of the purse strings to be central to the oligarchic third of the constitution, and the loss of it would understandably be seen as destabilising the much-lauded constitutional balance of the Republic. See Polyb. 6.13-5. See also Wirszubski 1968: 49, with respect to Tiberius: "Without the slightest sympathy for his opponents, one cannot help thinking that there was, in a sense, some truth in their allegation that Gracchus was seeking a "regnum". For if the assembly was to be sovereign in the full sense of the word; if it was to have power over laws and tribunes alike; and if tribunes could be re-elected for any indefinite number of years, a tribune enjoying the favour of the urban populace would possess an incalculable and uncontrollable power."

[109] Scipio Aemilianus 32 Malcovati: *ex innocentia nascitur dignitas, ex dignitate honor, ex honore imperium, ex imperio libertas.*

the opportunity to demonstrate his virtue so as to reap its rewards.[110] It was to some extent antithetical to Gaius' strong centralising streak. The creation of a centralised grain program, for example, stood in contrast to the 'dilettantist' approach cited above. Under the old system, an individual leader with the right contacts, who took the initiative himself, who was capable enough to transport large volumes of grain, could do so and earn the plaudits alone. Whether grain was imported, therefore, was a function of an aristocrat's leadership, social networks and diligence. Gaius would threaten this system by creating a standardised program of procuring grain that would dissolve the differences between individuals and prioritise the functions of the state as something more than an annual collection of magistrates.[111] For Aemilianus, the state was a sphere of aristocratic behaviour, an object of aristocratic existence, but Gaius seems to have offered a state with more permanent commitments and fixed procedures.

To appreciate fully the hostility caused by Gaius' vision, we need to appreciate the importance of the state – both the one which the Gracchi found at the beginning of their careers and the one that they subsequently wished to produce – in defining aristocratic identity. Tampering with aristocratic identity was exactly the kind of offence that we might expect to produce political assassination, since these kinds of uncertainties, disturbing a person's functions and privileges in society, have a well-known potential to increase the violence and salience of conflict.[112] The identity of the aristocrat was defined firstly by his magistracies and secondly by what he could deliver as patron.[113] Tiberius and Gaius each threatened the fundamentals of these

[110] See the discussion at Mackie 1992: 53-7 and the comments of Wirszubski 1968: 39: "This *libertas* is not the *libertas communis* founded on *aequae leges*, but a sectional and exclusive *libertas* belonging to a Scipio and his like, to whom the attainment of *honores* and *imperia* was freedom, their own freedom, of course."

[111] Garnsey and Rathbone 1985: 23-4; Ungern-Sternberg 1988: 182.

[112] See, for example, Tilly 2003: 76-7: "Violence generally increases and becomes more salient in situations of rising uncertainty across the boundary. It increases because people respond to threats against weighty social arrangements they have built on such boundaries – arrangements such as exploitation of others, property rights, in-group marriage, and power over local government. Violence becomes more salient among all interactions because existing nonviolent routines lose their guarantees of pay-off."

[113] With particular focus on the former, see Meier 1966: esp. 42-60, with the discussion at Hölkeskamp 2010: esp. 14-7.

two categories. We saw above that, in the case of Gaius' grain program, the institution of fixed procedures had taken away much of the magistrate's discretion regarding imports, and so robbed magistrates of their ability to distinguish themselves and their services to the Roman people. What mattered to Gaius was the presence of a system, the same system every year, independent of the annually elected magistrate and easily relied upon by its beneficiaries. His proposal to assign provinces prior to elections – allowing candidates to be 'screened' according to their expertise – similarly undermined the aristocratic ideal that any individual should be able to govern any province, simply because, according to Aemilianus' formulation, his *dignitas* recommended him to the *populus*. Gaius' jury reform removed the administration of justice from the aristocrat. To the extent that they tampered with the relationship between aristocracy and state, all of these reforms impinged upon the kind of individual, aristocratic freedom that Aemilianus had in mind.

He also, however, threatened the identity of aristocrats out of office, and it is here that the topic of resources comes to the fore. I have already commented on the scale of Gaius' expenditure, and though he may have raised as much or more through his new taxes, I will argue that this could not assuage the fears he generated. In fact, his new revenues were every bit as problematic as his outlays. By raising the state's demand for imperial profits, Gaius was turning Rome from a course of decentralisation to one of centralisation. As the treasury's increased demands required that its total share of imperial profits rise, it would need to centralise to a greater degree, meaning that private actors in the provinces stood to lose. Decentralisation had been such a lucrative mechanism for the elite, that any move away from it was a threat to their economic dominance of Roman society, because the thinness of the ancient economic surplus meant that any competition for its extraction was a potential threat to those who already claimed it. By increasing the entitlement of the state, therefore, reformers cut into the surplus and threatened to leave a thinner remaining layer.[114] This meant that, if Gaius was raising revenue by cutting into the profits of provincial governors and businessmen, then he was in effect placing a tax on the elite. As if this danger were not enough, Gaius' removal of the extortion courts from the hands of the senators was, though poorly conceived, similarly ominous, because it took from the aristocracy the ability to police its decentralising behaviour.[115]

As we saw above, the profits of provincial management disproportionately found their way to private estates, and the reason for this was that an array of practices had been implemented which encouraged the decentralisation of resources. For this process to continue, decentralisation had to remain at the heart of provincial management, and this, by definition, logically ruled out any move to increase the central treasury's demand for revenue.[116] Gaius would tell an assembly that public resources belonged to them (*vectigalia vestra* and *vestra commoda*), the Roman citizens, but Piso would turn this ownership on its head, attacking the grain law on the grounds that it was a waste of *his* property (*mea*) as a citizen.[117] The antithesis of *mea* and *vestra*, reminiscent of that of *res publica* and *res familiaris* above, expressed the tension between the Gracchan vision of the active employment of collective resources for collective benefit, and the more traditional Roman denial that the treasury should possess any of society's resources beyond

[114] Though it is in no way focussed on Rome, the classic examination of this dynamic remains Goldschied 1958, where the claim is made that modern constitutional government saw the impoverishment of the state as the ruling class seized all of its resources before the enfranchised masses could control them. The result was a democratic state which belonged to the broader population, but could offer them little, forcing them back into the arms of the wealthy.

[115] For the details, see Brunt 1988: 151, 153-4, 196-210.

[116] But Gaius not only lauded his obsession with increasing the state's revenues, he frequently showed his disgust for aristocratic profiteering (supra n. 103, 104). The contrast of *res publica* and *res privata*, as well as the pride with which he told of his conduct as quaestor in Sardinia, were part of an attack on aristocratic enrichment which would later be echoed in the work of Sallust. Sallust had C. Memmius, tribune of 111, tell the people that the *nobiles* pillaged the treasury (*aerarium expilari*), and that free nations were supplying profits not to the Roman people, but to the nobility (*B.J.* 31.9). He put the same charge into the mouth of Catiline, a man less than content with enjoying private wealth (*B.C.* 20.7): "since the *res publica* fell to the rule and arbitration of the powerful few, it was always they who possessed kings, tetrarchs and public revenues, they to whom peoples and nations paid taxes (*nam postquam res publica in paucorum potentium ius atque dicionem concessit, semper illis reges, tetrarchae vectigales esse, populi, nationes stipendia pendere*)." Later, Sallust portrayed the ruling elite as having built its domination on its seizure of the treasury, the armies, the kingdoms and the provinces (Sall. *Orat. Mac.* 6 = *Hist.* fr. 3.48.6).

[117] C. Gracchus 44 Malcovati. Piso: Cic. *Tusc. Disp.* 3.48.

those absolutely necessary.[118] For Piso, there was evidently no need to centralise more resources, especially for the kinds of uses Gaius was proposing.

Given the importance of decentralisation to the elite, Piso's objection is unsurprising. The proposed state threatened the aristocrat's ability to enrich himself because it left his entitlement to the Empire's profits further subordinated to the state's. Yet if it had just been this blow to the bottom line, things may not have been so dire. But, by also threatening the respective patronage roles of the aristocracy and the state, the ramifications of greater centralisation again irritated the boundaries defining identity. Thanks to decentralisation, the aristocracy enjoyed a high degree of control over the resources which were pouring into Italy. This meant that, as we have seen, state networks at Rome were not expected to possess the kind of resources needed to solve quotidian problems. To gain access to such resources, citizens were likely to do as they had always done, and to turn to social networks dominated by patron-client hierarchies. This traditional Roman situation – in which each citizen had his place in vertical ties of obligation (*clientela*) – held obvious appeal to the aristocrats who sat at its pinnacle, and its sanctity was so deeply felt that Romans believed *clientela* to have been one of Romulus' institutions.[119] So long as decentralisation was the dominant means of moving resources from the provinces to Italy, the bulk of the population would remain to some degree dependent on these patronage networks. By controlling such a major share of the economy then, Roman aristocrats could play out their role as patrons, mainly through the provision of support to clients. As an illustration, we can imagine briefly that a struggling citizen was short of grain. His only real hope of amelioration was to exploit these social networks by turning to a patron in the hope of some kind of charity, and we may suppose that this was a regular event in the houses of the elite.[120] This was the hierarchical

[118]On *tributum* as a loan, see chapter one. The Roman preference for private property is put at the heart of Roman economy and society at Rathbone 2003.

[119] Hölkeskamp 2010: 35-6, the best and most recent treatment of this aspect of Roman society.

[120] For grain distributions as part of patronage, see Garnsey 1988: 177: "Rich men supported their poor retainers. The practice does not feature in the annalistic record because it was essentially a private matter."

network of Roman society in action. In these transactions, the order of society was maintained, even made explicit. These were the everyday obligations that showed an aristocrat to be an aristocrat, and which showed – equally importantly – the dependent client to be dependent. This kind of patronage could range from the regular, minor handout of grain all the way to the extreme examples of Crassus' public feast on 10 000 tables and Ahenobarbus' promise of land to thousands of followers.[121] But thanks to Gaius, our hungry citizen now had a state program to which he could turn every month, receiving his share of publicly funded grain without any obligations.[122] The state, thoroughly outgunned until now, was emerging as universal patron, its footprint growing to encompass interactions which had once existed solely in the realm of Rome's traditional, hierarchical social networks.

This was exactly what the aristocracy had hitherto prevented. By minimising the share of the Republican state, Rome's rulers had preserved the supremacy of their own aristocratic resources – whether in the form of money, social capital, control of networks or any other area in which they were dominant – and so preserved the critical role of social inequalities in Roman life. So long as the decisive resources were outside the state, and so long as the bulk of the population felt it had had a better chance of meeting economic challenges through patronage networks, the dominance of the aristocracy was secure. Importantly, decentralisation of resources made them landholders and capitalists, with their social dominance dependent on their holdings, rather than on the vagaries of electoral success. As they monopolised the profits of expansion, they became patrons, landlords and employers for more and more citizens (whether urban or rural), and further bound the dependent population to their control of resources.[123] Where the Saudi Arabian state

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[121] On Crassus and Ahenobarbus, Plut. *Cras*. 12.3 and Caes. *B.C.* 1.17.4.

[122] Brunt 1988: 244, 347 suggests tentatively that Gaius' grain law was aimed at curtailing the great houses' ability to purchase muscle through donations. Ferrary 1997 discusses the dangers of this *popularis* ideology for the aristocracy.

[123] Hopkins 1978: 14; Mann 1986: ch. 9; Eich & Eich 2005: 29. As landlords, see Shatzman 1975: 24. The lesson from the Saudi Arabian case above is relevant again here. Where Faysal's political position led him to thicken the state as a means of redistributing resources and creating dependencies, the Roman aristocracy responded to incentives that favoured decentralisation.

acts today as the distributor of riches, the Roman aristocratic estates performed the same function, and they sat atop the same kind of dependency networks as a result.

To challenge the economic entitlement of the aristocracy was to challenge the priority of these hierarchical social networks and the status of those whose supremacy in society was defined by them. I would argue that this was the great offence caused by C. Gracchus. It was not the simple loss of profits that saw him assassinated, it was the social implications of redistributing Roman resources through state instead of patron-client networks. This defied the incentives which had led his aristocratic peers to prioritise private resources and private patronage networks as the driving forces of Roman society, and it was for this threat to the privileged identity of Roman aristocrats that so many lives were lost.

I hope that this argument has shed some light both on the careers of the Gracchi and on the historical trajectory of the system they tried to reform. By identifying the incentives which had determined the use of imperial profits, I believe an internally coherent set of processes can be postulated which explain both the distribution of resources prior to 133 and the severity of conflict which the Gracchi unleashed. Despite the emphasis I place on the aristocracy's fears, however, I acknowledge that they proved more or less groundless.

As it turned out, Gaius' greatest impact on decentralisation was not to end it, but to extend its fruits to businessmen one or two rungs beneath the premier aristocrats. The system he implemented in Asia would raise the overall level of exploitation, thanks to a thick share of Asia's taxes ending up in the hands of private parties, but the new recipients were overwhelmingly equestrian contractors. It is not inconceivable that Gaius had foreseen their profits – he was no enemy of the knights.[124] The systems instituted by the Romans, including C. Gracchus in this case, allowed an enormous degree of private enrichment, and the scale of profits

[124] Meier 1966: 70; Brunt 1988: esp. 151. On the scale of profits, see Brunt 1988: 154.

proved to be far beyond anything the office-holding aristocracy could monopolise. The results can be seen in the scale of non-aristocratic riches we saw being confiscated in Spain and Africa.[125] But this was tolerable to Rome's rulers for two main reasons. The first is that, as we saw with the likes of Crassus and Pompey, they themselves continued to profit at an astronomical pace. The second is that these businessmen belonged to the same social networks as the political elite and, whether with respect to their wealth or their social distinction, still sat below them on the rungs of hierarchy. So long as they did not increase competition for office – and those who lived in the provinces could not – then their riches posed no threat because they conformed to the traditional, historical view of Roman society espoused by the elite. If anything, they simply elevated the distinction of the aristocrat's clients, and this redounded to his credit.

The prospective rise of a Roman state touched off a level of conflict which must have caught many by surprise. But this makes more sense once we have internalised Bourdieu's maxim, that "the construction of the state proceeds apace with the construction of a *field of power*, defined as the space of play within which the holders of capital (of different species) struggle *in particular* for power over the state, i.e., over the statist capital granting power over the different species of capital and over their reproduction."[126] We need not go so far as Bourdieu in making the struggle a struggle "in particular" for state control. Instead, we can see in practice that reform of state activity implied the reconfiguration of resources – or capital, in the translation of Bourdieu – throughout society, so that the definitions, distributions and exchange rates of different kinds of power were suddenly up for grabs. On some level, the aristocracy understood this. Their panic was not simply over a tribune or two; it was over the very medium of social control at Rome.

[125] Supra nn. 69, 70, 71.

[126] Bourdieu 1999: 57. Original Italics. See also p. 72: "The construction of the state monopoly over physical and symbolic violence is inseparable from the construction of the field of struggles for the monopoly over the advantages attached to this monopoly. The relative unification and universalization associated with the emergence of the state has for counterpart the monopolization by the few of the universal resources that it produces and procures". Or Bourdieu 1986: 264-5.

The process of centralisation did not take off until Caesar, and then Augustus, transformed rulership from an aristocracy to a household. By doing so, they brought the relationship of ruler and state more into line with the rentier model, in which a strong state bolstered rather than threatened the pool of resources at the disposal of the ruler. A strong state meant a strong Caesar. Appian captured this transformation when he noted that all revenues down to 44 were going directly to the dictator, leaving the treasury empty, with Caesar himself controlling the expenses of government.[127] The *publicum* truly merged with the *privatum* with Augustus, and with the creation of an imperial estate passed on from emperor to emperor.[128] This is not to say that the aristocracy ceased to profit from empire or lost social dominance, merely that the relationship between state and aristocracy was reshaped in a way that they could not prevent.

By changing the nature of the ruler, autocracy changed the distribution of resources. No longer were there multiple rulers for whom the overriding incentive was to tie down riches in private estates and prevent centralised public administration. For some time these incentives had waxed and waned in their intensity, necessarily suppressed in the face of Hannibal and voluntarily diminished as the legions first began conquering foes as far afield as Spain and Asia. By the time of the Gracchi, however, they were back, as the reaction to their tribunates revealed. The motivations of Tiberius, Gaius and of later *popularis* reformers will never be entirely clear, but I hope that this chapter has elucidated the currents of history against which they were swimming.

[127] App. *B.C.* 3.20. For details, see Jehne 1987: 68-78.

[128] The best formulation is at Eder 1996: 457.

## Appendix to Chapter Four

Polybius believed that construction in the mid-second century was the single largest state expenditure, and the urban transformation of Rome is testimony to its scale.[1] The end of the third century began a new era of public building and there were two main reason for this. In the first place, the victories of this time initiated a series of lavish indemnities paid directly to the Roman people; in the second, these years saw a proliferation of new theatres of war, each of which produced manubial temples. Neither of these factors was unique to the early second century, but the concentration of so much money with so many victories was certainly anomalous, and it is no coincidence that the urban landscape was transformed as a result.

Lists of public building (200-49) are readily available in several standard works, but a focus on resources requires a different format to the simple chronological approach found elsewhere.[2] Instead of a chronological approach, I will present construction according to the sponsor of the building, whether censor, victorious commander, aedile etc. This means that a project vowed in battle but dedicated in a censorship will be listed as manubial because its initiation and funding were independent of the censorship. I have separated Sulla, Pompey and Caesar as anomalies. Some of the individual attributions will be open to debate, but the overall patterns ought to remain more or less clear. I have included only works in the city of Rome itself, because activity elsewhere in Italy is too sporadically attested, and I have excluded short-term buildings (esp. theatres) and statues for the same reason.

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[1] Polyb. 6.13.3.

[2] My list is compiled from those found at Platner-Ashby 1929, Richardson 1992 and now Palombi 2010.

**<u>Censorial Projects (29)</u>**

194
- Villa publica renovated
- Atrium Libertatis renovated

184
- Paving the forum and cloaca maxima.
- Basilica Porcia

179
- Jupiter Optimus Maximus restored
- Basilica Fulvia et Aemilia
- Portus
- Piles for a bridge
- Forum piscatorium
- Porticus extra portam Trigeminam
- Porticus post navalia
- Porticus ad fanum Herculis
- Porticus post Spei ad Tiberim
- Porticus ad aedem Apollonis Medici
- Contracted for an aqueduct but thwarted by L. Crassus, who would not give permission for the arches to run over his land.

174
- Paved urban streets and laid other roads in gravel with sidewalks
- Prepared construction of bridges
- Built a platform for aediles and praetors
- Renovated the Circus Maximus
- Paved Clivus Capitolinus and erected porticus
- Erected separate porticus at west end of the Forum
- Paved and renovated porticus around the emporium

169
- Basilica Sempronia[3]

159
- Installs water clock
- Porticus on Capitoline

142
- Wooden arches of Pons Aemilius built
- Guilded the ceiling of the Temple of Jupiter Optimus Maximus

125
- Aqua Tepula

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[3] There is a lot of information missing in the sources here. The elder Gracchus and C. Claudius were granted half a year of revenues for their censorship and requested an extension of their term to complete their tasks. They evidently had plans beyond a single basilica lacking Claudius' name. Similarly, the censors of 164 are recorded as having erected a statue of Concordia and as having repaired a sundial, but this was surely not the extent of they, the first censors after the seizure of the Macedonian booty, undertook in office. They were also, of course, the first censors to hold office in the post-Livian dark age.

54
- Laying of boundary stones on the Tiber

**Manubial Projects[4] (30)**

197
- Juno Sospita vowed

196
- Fornices Stertinii vowed

194
- Veiovis vowed

193
- Victoriae Virginis vowed

191
- Pietas in foro holitorio vowed

190
- Lares Permarini vowed

187
- Hercules of the Muses vowed, including the transfer of the aedicula camenarum from Honos et Virtus
- Diana in circo Flaminio vowed
- Juno Regina vowed

184
- Venus Erucina vowed
- Fornix Calpurnianus built?[5]

180
- Fortuna Equestris vowed

168
- Porticus Octavia built to commemorate naval victory

151-0
- Felicitas vowed

148
- Porticus Metelli vowed
- Jupiter Stator vowed

146
- Hercules Victor vowed
- Hercules invictus inaugurated by Scipio Aemilianus as censor, but probably manubial

Ca. 133
- Mars in Circo Flaminio vowed

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[4] Included in this definition are both projects which were vowed in battle and projects explicitly celebrating a victory.

[5] Little is known of this arch, except that Ti. Gracchus ran past it in flight from the Area Capitolina (Oros. 5.9.2). I hesitantly list it here because an arch suggests it was triumphal, and the only Calpurnius known to have triumphed prior to Gracchus' death was c. Calpurnius in 184 (Livy 39.42.3).

121
- Fornix Fabianus built

117
- Castores renovated

115
- Fides restored after Scaurus' triumph, though possibly related to the censorship of 109
- Mens restored, also after Scaurus' triumph

106
- Porticus Minucia Vetus built

101
- Fortuna huiusce diei vowed

Post 101
- Porticus Catuli built
- Honos et Virtus

97
- Rostra decorated with *spolia*

Ca. 70
- Castores in the Circo Flaminio[6]

Ca 50
- Porticus Lentulorum built[7]

**Aedilician Projects (7)**

196
- Temple of Faunus, opened in 194

193
- Porticus Aemilia

192
- Porticus inter Lignarios
- Decoration of Capitol

189
- Guilded shields and statues set up.

57
- Fornix Fabianus restored, though the ultimate source of funding is unclear

55
- Basilica Aemilia restored by aedile, though the funding was private

**Senatorial, Priestly or Other Magisterial Projects (14)**

[6] Assuming the temple was built by Metellus Pius after the defeat of Sertorius in 71. See Coarelli in *LTUR* op. cit.

[7] Assuming the porticus was built by the consul of 57 and the consul of 49. See Orlandi in *LTUR* op. cit.

148
- Regia damaged in fire and restored on the senate's orders[8]

144-40
- Aqua Marcia, built by a praetor on the senate's instructions

121
- Concordia, built by a consul on the senate's orders
- Basilica Opimia, probably an extension of the Temple of Concordia above

114
- Venus Verticordia, ordered by the decemviri sacris faciundis

109
- Magna Mater damaged in fire and rebuilt by Numidicus, probably in this year as consul.

102?
- Navalia, possibly as part of M. Antonius' pirate war

90
- Juno Sospita restored by consul, probably alongside Pietas and Janus

78
- Basilica Aemilia restored by consul

74
- Contract let for maintenance of Temple of Castors[9]

74?
- Tribunal Aurelium, built by a consul[10]

63
- Aesculapius rebuilt and decorated probably by a praetor[11]

62
- Pons Fabricius, built by curator viarum

44?
- Pons Cestius, built by a praetor[12]

**Projects from Privati (4)**

166-80
- Hercules Olivarius

123?
- Bona Dea Subsaxana renovated by the vestal Licinina

Ca 108
- Horrea Galbae, built by the Sulpicii Galbae on private land[13]

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[8] Archaeologically, however, there is no tangible sign of this rebuild: see *LTUR* op. cit.

[9] Cic. 2.*Verr*.1.130-54, not included in any of the other lists.

[10] Or by the same C. Cotta as a praetor at an earlier date: see *LTUR* op cit with references.

[11] For the ascription to L. Valerius Flaccus' praetorship, see Degrassi 1987, despite *MRR*'s differing reconstruction of his career.

[12] This depends on which known (or potentially unknown) Cestius built the bridge. For the praetor of 44 and other possibilities, *LTUR* op. cit. with references.

54
- Tellus on Carinae renovated by Cicero

**Unknown (6)**

166-80
- Fornix Scipionis, built by Scipio Africanus but in an unknown capacity

149-6
- Floor of Jupiter Optimus Maximus paved in opus scutulatum

Ca. 100
- Arch at the mouth of cloaca maxima[14]
- Upper room of the carcer[15]

80-70
- Portunus restored

78
- Branch of cloaca added

**Sullan, Pompeian and Caesaean**

Sulla/Catulus
- Temple of Jupiter Optimus Maximus
- Temple of Juno Moneta and the "Tabularium"
- Repaving of Forum, probably with subterranean galleries
- Renovation of the Atrium Vestae
- Probably the repaving of urban streets
- Hercules Sullanus on the Esquiline
- Curia Hostilia

Pompey
- Probably Delubrum Minervae
- Hercules Victor renovated
- Theatre complex

Caesar
- Basilica Iulia
- Saepta Iulia
- Forum Iulium

[13] This structure only deserves a place on this list if it was used for public activity, which it may or may not have been.

[14] Unattested in sources. On the archaeology, see *LTUR* op. cit. with references.

[15] Has to postdate the Basilica Porcia and uses Anio and Monteverde tufa as well as travetine. See *LTUR* op. cit.

## Conclusion

M. Aemilius Lepidus has appeared less in this dissertation than I (and most certainly he) would have liked. Twice consul, censor, the man to combine the roles of chief priest and first senator for longer than any other, not even the decay of historical evidence has entirely buried the brilliance of his career. Proud to the point of pettiness but always dynamic, he was perhaps the most influential member of the generation that crystallized conquest into Empire. He was *princeps senatus* when the Macedonian throne was undone and when *tributum* was ended. He so dominated Roman policy in Northern Italy that Emilia-Romagna still bears his name. A study of the centralisation and decentralisation of Roman resources in this period would, had the sources permitted, have had his name all over it – it is a reminder of how little we know of this period that his appearances have been fleeting. We do, however, know that he was immensely influential. This makes it all the more surprising, then, that as censor in 179, with a full year of Rome's revenue to spend on projects, he asked the senate for another 8 000 sesterces so that he could give games at the dedication of two temples he had vowed during his Ligurian war.[1]

Whether Pompey's greater presence in this dissertation is the result of source material or legitimate relevance is a matter of speculation, but he serves as a clear contrast to Lepidus. Pompey's influence within the senate waxed and waned, but there was never a chance that he was going to ask the fathers for funds to open any of his buildings – Pompey led riches to the treasury, not out of it. Plutarch has preserved one of

[1] Livy 40.52.1.

the great propagandistic moments in this image of Pompey, as he paraded in triumph placards listing the sums he deposited in the public coffers; this passage neglects the fact, however, that Pompey had already given away or pocketed an enormous proportion before any of the booty became public.[2] When he opened his own manubial temple, a mere ornament to the grand theatre complex atop which it sat, there were gymnasts and musicians to greet it, before 500 lions were killed in beast fights and the novelty of an elephant fight was brought before the Roman people.[3] For any of this to have been funded publicly would have been to miss the point: Pompey could afford all of this, could deliver it in a grand act of benefaction. Where Lepidus had needed the treasury's help to open his temples, Pompey could, all on his own dime, revolutionise architecture and set a new benchmark on civic display.

This captures, as well as any simple contrast of two financial transactions can, the process of Roman history in the last century and a half of the Republic. In Lepidus' day, even the estate of Rome's most distinguished was dwarfed by the centralised resources of his community. L. Aemilius Paullus, conqueror of Macedon, for example, died with a 'paltry' 1.48 million sesterces.[4] In Pompey's time, however, things could not have been more different. Pompey's theatre rivalled anything that Lepidus and his contemporaries could build even as censors, and Caesar's schemes outstripped even that. Collapsing the divide between public and private, Caesar could put his name to a new Forum and even reorient the now eponymous senate house to his own building projects. The great basilicas of the second century, funded publicly, were eventually replaced or renovated,

[2] Plut. *Pomp*. 45.

[3] Plut. *Pomp* 52.4.

[4] Brunt 1988: 29 with references.

and it was largely at Caesar's – and then Augustus' – expense. The centralised fruits of generations were reworked thanks to one man's purse.

The defining dynamic of the Punic wars and the expansion throughout the Mediterranean had been centralisation. Rome could concentrate more resources than its foes and deploy them – whether in a short, tsunami-like campaign or as an eventually unbearable weight over years – on a scale that proved unique. In the generation following Zama, when booty and indemnities were filling her coffers and the elite had yet to master the methods of personal profit, the Roman Republic was more centralised than it would ever be again. Relative to what the state could muster, no individual could pretend to compete. Over time, however, Roman aristocrats devised new ways of profiting from empire and internalised new moral norms for doing so. The legions could still centralise a formidable strength, but no longer were its products so concentrated. Some went to the treasury, but a great deal went to the aristocracy, and the equation was more and more weighted in favour of the latter.

I have argued that, among all the factors that facilitated self-enrichment, it was the fiscal system more than anything else that allowed this kind of decentralization. The riches on offer in the provinces drew the gaze of Rome's rulers away from Italy. What they found there could not be withheld by the overawed provincials and was privatised before Rome's own citizens ever saw it. Cut off from provincial enrichment, the untaxed population could do little to influence the distribution of resources in society. They did not control the riches of the economy and hence could not bargain when the state came knocking. On the contrary, the elite controlled the main arteries through which Mediterranean resources were pouring into Italy, and if the rest of the population wanted a share, they had to tie themselves to these great patrons. Had the rulers been more entrenched in the state structure, incentives may have led them to reallocate resources through government patronage, but Rome's power-sharing system undermined any individual's interest in enhancing the power of the state: annually elected office meant that by the time he implemented a policy he would be unable to reap its rewards. Instead, the aristocrat saw enduring advantage in private estates and the patronage networks they could sustain. Through these means, he and his heirs would retain control over the distribution of Rome's resources regardless of electoral success, and so would continue to benefit from social inequalities.

In the introduction, I presented this focus on resources as an alternative explanation for Rome's hierarchical society. Uneasy with explanations based on reconstructing the mindset of so many Romans, I have chosen to concentrate not on how contemporaries perceived inequalities, but whether their access to resources allowed or even encouraged them to do anything about them. My method has, it is true, involved some hypothesising about mindsets – I do, after all, claim that aristocrat's were motivated by self-interest in certain courses of action – but I believe my reasoning is more firmly grounded: firstly, I have identified a series of economic and social incentives, in this case creating a preference for decentralised over centralised resources; secondly, I have noted a correspondence between those incentives and the actual practices adopted, arguing that there was a causal relationship between them. The standard that this argument meets is high, even if it is not insurmountable. I believe, however, that my premises are as sound as those of other explanations being presented and that the results shed some new light on the functioning of Roman society.

There are further avenues for study if we pursue the method I have adopted in this dissertation. To focus the argument, I have concentrated on resources in the form of money, but the single most important resource centralised for Rome's expansion was of course military manpower. Economic resources offer the explanatory advantage that they are needed by all members of society at all times, so that controlling their distribution has a constant and wide-ranging effect. Manpower, on the other hand, is rarely needed by private actors and even its public demand fluctuates. A focus on military manpower must also engage the debate over high and low counts for the Roman population, and this would have severely loosened the focus of the dissertation. I will, however, indulge in a brief outline of the kind of case that can be made.

As has been repeated several times already, the Romans successfully centralised overwhelming resources in the course of their expansion. They understood well, however, that the segment of the population centralised into the legions enjoyed considerable collective power.[5] These less wealthy citizens had apparently refused service through the conflict of the orders, and – whatever the details – they marched on Rome in 342 and effected political change.[6] As the property qualification was dropped in the course of the middle-late Republic, the bargaining power which came with military service was distributed more widely in Roman society.[7] I do not want to construct a simple argument that says that the armed can overthrow the state, since it is well

[5] Gabba 1976: 30-1 remains the best treatment.

[6] See as a sample, Livy 2.32.1ff, 2.43.3ff, 2.54.1ff, 2.55.1ff, 2.58.1, 34.43.1ff, 4.53.2ff ( a vetoed levy), 4.58.9-14. The revolt of 342 begins at Livy 7.38.4, though he virtually admits himself that his version is fiction.

[7] Again, Gabba 1976: chapters 1 and 2 remain the standard works, with Brunt 1988: ch. 5.

understood – and I do not disagree – that the soldiery did not aim at revolution in any usual sense of the term. Instead, I want to look at manpower in the terms used to analyse taxation. Taxation empowers a population because it gives them a resource to grant or withhold, and manpower can relate to a similar bargaining position. Throughout this dissertation, I have resisted the temptation to depict taxation as a 'market' exchange, but such a model can be used fruitfully in the present discussion.

Earlier chapters have traced the control of resource distributions at Rome, as the most powerful individuals decentralised the state's profits into private estates. As I have already argued, this ensured that the bulk of the population needed to tie themselves to these great patrons if they wished to gain access to economic resources. Rome's richest, therefore, could in effect peddle their wealth in exchange for whatever they deemed useful and – importantly – whatever their dependents could offer. Offering economic resources would have been akin to taking coal to Newcastle, so a market arose in which Rome's less wealthy had to fashion some commoditized resource out of whatever they could offer: political support, displays of submission, manual labour, muscle – whatever the situation might demand. In other words, for clients to receive a share of the wealth, and for patrons to be able to benefit from the exchange, non-economic 'currencies' had to be developed. These manifested themselves in various kinds of loyalty: supporters could follow a patron to the Forum in the morning, in a public display of political support; they could flood assemblies in a similar effort; they could follow military leaders into war. With few economic resources to offer, political, ideological and military support became the non-elite's best hope of economic relief.[8]

[8] Mann 1986: 22-7 presents the four part division of ideological, economic, military and political powers.

The problem was that, in trying to find a use for this ‘currency’, Rome’s elite had limited need for any commoditized service in their private lives, and to the extent that they did, this had little impact on Rome as a whole. Where they really could use a significant volume of loyal service was in public. Numbers mattered in voting, in displays of patronage and in violence. Economic inequalities, in other words, demanded a non-economic commodity to exchange, inevitably putting onto the market the physical and ideological energies of those looking to improve their lives. By controlling the distribution of sought-after resources, therefore, elite leaders could essentially acquire the energies of the less fortunate and deploy them where they saw fit. With increasing regularity, this channelled social forces into political sites in which the most powerful were competing, from increasingly contentious assemblies to street violence and on to civil war.[9] The incredible riches of empire ruined any demand for non-elite economic resources, leaving political and physical service to dominate the market and making the trading of them more attractive. This is not to suppose that clients would advertise their availability for civil war. It is simply to argue that the offering of muscle became more attractive as other possible resources lost their “market” value.

Once again, the decentralisation of economic resources is the background. The creation of such immense inequalities in wealth warped social interactions by unsettling the possible exchanges between unequals. The elite controlled such a proportion of the overall economic surplus, that non-elites simply *had* to tap the patronage of these great magnates, but they had very little to offer in return. Just as the end of taxation fiscally dislocated the population and prevented any bargaining power as the source of the state’s

[9] From this perspective, Lintott’s comment that the difference between street violence and civil war was “essentially one of scale” appears more credible (Lintott 1999: 1). Against its validity, see Nippel 1988: 54, 58.

funding. Private enrichment deprived the population of the chance to transact with the elite in the paltry economic terms they could manage. Desperate for some tradeable service, non-elites essentially lowered the price they charged for political and military support and they eventually found buyers. The 'costs' of civil war went down, followed quickly by the odds that one would eventually erupt, and erupt it did.

Once civil war did erupt, the tradeable value of manpower skyrocketed, so that the triumviral period would see soldiers openly trading their services and mocking donations that would previously have been considered generous. Demand for veterans became so high that they really could bargain through withholding, and as the market price rose, entire cities were evicted to meet it.[10] In reality, the victors in civil wars exploited their political position to distribute others' resources as much as their own, but as a finalepilogue, we can take this equation of public and private as a cue.[11]

The term decentralisation privileges the state as *the* non-peripheral unit in society. Its ability to source itself widely gives it gravity, around which other actors in effect 'orbit'. The end of the Republic, however, blurs this admittedly simplistic conception because peripheral units rival the centre in scale. Caesar became one with the centre by blurring the line between his own resources and those of the state, at first a political necessity to pay his troops, but eventually an administrative convenience.[12] All taxes

[10] Dio 42.53-4, 48.30.2-3 and most explicitly App. *B.C.* 3.43 and 4.35. Osgood 2003: ch. 3 gives an account of these cities, the populations of which were evicted to provide land for troops.

[11] In one example, Dio – an author well versed in the politics of paying soldiers – explicitly states that Octavian claimed to be paying troops from his own resources, when they were really public funds (46.46.5).

[12] Jehne 1987: 68-78, who is probably correct in disbelieving Dio's claim that Caesar handed the treasury over to the praetors.

went to Caesar instead of the treasury, because there was no meaningful difference between centre and Caesar.[13] Augustus would similarly merge his household with the state, combining, as Eder puts it, the *publicum* and *privatum* in his own person.[14] Without launching into a history of the Augustan period, this dissertation can be closed with an examination of the new Rome from the perspective of fiscal sociology.

The incentives defining the story told in this dissertation rely on a set of collective, aristocratic rulers. The need for power-sharing – manifested in annual terms, a ban on iteration and a set of competitive elections – discouraged the reinforcement of a strong centre, because none of the individual aristocrats had a large enough stake in the state to tie their fates to it. Why create a healthier treasury when you might never have the chance to control it? The resulting incentives were for the decentralisation of resources. Moreover, the combination of temporary magistracies and disenfranchised taxpayers in the provinces encouraged each magistrate to press as much profit out of his year in office as he could, with no permanent stakeholders in whose clear interests it was to preserve the tax base. The transformation to a single, autocratic ruler, however, changed every one of these incentives. Caesar, Augustus and the later emperors had long term interests to which they catered. They enjoyed control over most aspects of Roman government, so that a wealthier state resulted in a wealthier Caesar. The combination of a long time horizon – a low discount rate in rational choice parlance – and a unified state/ruler partnership was encapsulated in Tiberius's famous instruction, "I want my sheep shorn, not flayed."[15]

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[13] App. *B.C.* 3.20.

[14] Eder 1996: 457.

[15] For Tiberius' governing mindset, see Levick 1976: 100-1.

The goals of a monarch tend to be focussed more on long term stability than those of a city-state.[16] This protected provincial taxpayers, while Italians – especially those in the city – benefitted from the emperor's expenditure and the end of conscription. To some extent the universal patron feared by the Gracchan opponents manifested itself in the *princeps*, and this patron had every interest in stability and the well being of his population.[17] I would never argue that paradise ensued, but it can be claimed with some justification that empire was more stable, that the population was less desperate and that in both instances fiscal sociology reveals why. By applying the principles of this field, I have been able to identify the incentives driving Roman policy, and the resulting picture offers new explanations for why Roman Republican history took the peculiar form it did. Resources allow us to escape the intangibles of culturally determined realities and to rely instead on the socio-economic impacts of enrichment. Few populations have ever escaped paying contributions to their states, but on the principle of 'no representation without taxation,' even fewer populations should aspire to it. As I conclude this dissertation, Libya descends into civil war, and that nation demonstrates well the perils of a state with easy access to money: a population superfluous to its leaders' needs, a regime determined to suppress networks beyond its own control and an economy whose fruits are disproportionately in the hands of the social and political elite. The case of the Roman Republic, I think, shows that none of these are unique to the modern world, and nor are the problems they cause.

[16] Levy 1988 remains central for a fiscal context, but see also the discussion at Humphries 1990: 294-5.

[17] The classic account is still Von Premerstein 1937.

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